

26 SEPTEMBER 1947

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of
EXHIBITS
(cont'd)

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Friday, 26 September 1947

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INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

- - -

Appearances:

For the Tribunal, all Members sitting, with
the exception of: HONORABLE JUSTICE R. B. PAL, Member
from India, not sitting from 0930 to 1600; HONORABLE
JUSTICE JU-AO MEI, Member from the Republic of China
and HONORABLE JUSTICE E. H. NORTHCORFT, Member from
the Dominion of New Zealand, not sitting from 1330 to
1600.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

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(English to Japanese and Japanese
to English interpretation was made by the
Language Section, IMTFE.)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 - - -

4 K A Z U J I K A M E Y A M A, called as a witness
5 on behalf of the defense, resumed the stand.

6 THE PRESIDENT: Mr. Lazarus.

7 MR. LAZARUS: Mr. President, the remaining
8 few matters for General HATA's individual phase had
9 been set for 9:30 this morning. We will only take a
10 few minutes, sir, I believe, and I respectfully
11 request that the witness of yesterday may be allowed
12 to step down so that we may finish, if that is agree-
13 able to the Tribunal; or we will bring in this matter
14 at any time that the Tribunal directs, sir.

15 THE PRESIDENT: We will take this witness'
16 evidence first.

17 MR. LAZARUS: All right, sir.

18 THE PRESIDENT: We will hear Mr. Yamaoka's
19 reply.

20 MR. LAZARUS: Mr. Yamaoka, sir, is not in
21 court, but he will be here in one moment. Apparently,
22 he did believe that we would go on first, sir. He
23 will be here in a matter of seconds.

24 THE PRESIDENT: How long will these matters
25 of yours take, Mr. Lazarus?

1 MR. LAZARUS: We have gone over it with
2 Mr. Sutton, sir; so we believe fifteen or twenty
3 minutes at the most, sir.

4 THE PRESIDENT: Yes. The witness will stand
5 down while you put those matters.

6 ("hereupon, the witness was stood down.")

7 MR. LAZARUS: Thank you, sir.

8 If the Tribunal please, we offer in evidence
9 exhibit 3202, which is an approved translation as
10 revised by Major Moore. This will be the affidavit
11 of NODA, Kengo.

12 - - -

1 K E N G O . N O D A, recalled as a witness on behalf
2 of the defense, having been previously sworn,
3 testified through Japanese interpreters as
4 follows:

5 THE PRESIDENT: You are still on your former
6 oath.

7 DIRECT EXAMINATION

8 MR. LAZARUS: The witness had identified his
9 Japanese copy, sir, and it had been given an exhibit
10 number. I will now proceed to read the approved
11 translation, sir. With the President's permission I
12 shall begin with paragraph 3 and omit the formal parts.

13 "3. After the resignation of the YONAI
14 Cabinet, as I was Chief of the Personnel Affairs Bureau.
15 I used the most scrupulous care and attention in recom-
16 mending the man to succeed General HATA as War Minister.
17 . . . I took into full consideration the views preva-
18 lent in the various bureaus of the War Ministry and
19 the wishes of the General Staff, and I consulted fully
20 with the Vice-Minister of War, General ANAMI. After
21 all these consultations and after a thorough-going
22 study I decided that under the then existing circum-
23 stances Lieutenant General TOJO was suitable, and I,
24 as Chief of the Personnel Bureau, recommended him to
25 War Minister HATA as the succeeding War Minister.

1 There were others who were considered for the posi-
2 tion of new War Minister, but they were already in
3 other important positions and it was difficult to
4 effect a speedy transfer.

5 "Lieutenant General TOJO, on the other hand,
6 was in Tokyo, holding the position of Inspector-General
7 of the Air Force, and he had formerly been Chief of
8 the Military Affairs Bureau and of the Maintenance
9 Bureau. Further, he had once been the Vice-Minister
10 of War in the HIRANUMA Cabinet. I considered him a
11 suitable military administrator and it was the feel-
12 ing in army circles that no one except Lieutenant
13 General TOJO would do, so under these circumstances
14 I recommended him as the succeeding War Minister. In
15 accordance with this recommendation, General HATA
16 submitted the name of General TOJO to the Three Chiefs'
17 Conference held on 18 July 1940. The three chiefs
18 after conference were unanimous in recommending
19 Lieutenant General TOJO as succeeding War Minister.
20 My recommendation of General TOJO, and General HATA's
21 submitting the name of General TOJO to the Three Chiefs'
22 Conference was in accordance with the standing pro-
23 cedure for such matters in the War Ministry. As a
24 matter of fact, neither War Minister HATA nor I had
25 any personal relations with Lieutenant General TOJO

1 in the past nor any intimate relations with him."

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1 THE PRESIDENT: Mr. Cole.

2 MR. COLE: Your Honor, I have a few questions
3 on further direct examination.

4 THE PRESIDENT: Appearing for?

5 MR. COLE: For General MUTO, sir.

6 DIRECT EXAMINATION (Continued)

7 BY MR. COLE:

8 Q Mr. Witness, as Chief of the Personnel
9 Affairs Bureau, did you have, among other duties, the
10 responsibility of observing and reporting on how army
11 officers performed their duties?

12 A Yes.

13 Q And during your tenure in that office, do
14 you recall whether any officer in the War Ministry
15 was ever punished for opposition to orders or policies
16 of General HATA?

17 A No.

18 Q Were you aware of any movement or attempt
19 within the War Ministry to discredit General HATA or
20 to oppose his policies?

21 A I never observed anything of the kind.

22 Q Now, then, in case of an imminent change of
23 War Ministers, did the Chief of the Military Affairs
24 Bureau have any right to voice his opinion?

25 A I do not think the Chief of the Military

1 Affairs Bureau had any such right.

2 Q Did you serve as Chief of the Personnel
3 Affairs Bureau also under War Minister TOJO?

4 A Yes, for about nine months.

5 Q During that period, who was Chief of the
6 Military Affairs Bureau?

7 A Major General MUTO was Chief of the Military
8 Affairs Bureau.

9 Q I will ask you, Mr. Witness, whether you
10 recall, during that period, any special request that
11 was made to you by General MUTO?

12 A Once or twice General MUTO approached me
13 informally, expressing his desire to resign from his
14 position.

15 Q Was any action taken by you in that connection?

16 A No steps were taken because it was not con-
17 sidered proper in the light of the situation or cir-
18 cumstances then existing, to permit a person to resign
19 at his own request.
20

21 MR. COLE: Thank you, sir.

22 THE PRESIDENT: Mr. Sutton.

23 MR. SUTTON: May it please the Tribunal.

24 CROSS-EXAMINATION

25 BY MR. SUTTON:

Q Who were the members of the Three Chiefs'

1 Conference which selected General TOJO as War Minister
2 to succeed General HATA?

3 A At that time the War Minister was, of course,
4 General HATA; the Chief of the Army General Staff,
5 Prince KANIN; and the Inspector General of Military
6 Training was General YAMADA.

7 Q Was General HATA required to recommend to
8 the Three Chiefs' Conference the name submitted to
9 him by you as Chief of the Personnel Affairs Bureau?

10 A The name recommended by me was submitted by
11 General HATA to the Three Chiefs' Conference.

12 Q My question was, did HATA, the retiring War
13 Minister, have authority to recommend for appointment
14 as the new War Minister, some person other than the
15 person suggested by you? You may answer the question
16 yes or no.

17 A Yes.

18 Q When were you asked by General HATA to suggest
19 the name of someone to succeed him as War Minister?

20 A I think it was immediately after War Minister
21 HATA tendered his resignation.

22 Q Were you requested by General HATA at any
23 time prior to the resignation of the YONAI Cabinet to
24 suggest the name of a person to succeed him as War
25 Minister?

A No.

1 Q Did not Premier YONAI ask War Minister HATA,
2 when HATA resigned as War Minister on 16 July, to
3 recommend someone to be the next War Minister?

4 A That I do not know.

5 Q And did not War Minister HATA reply that the
6 successor would be decided in the Three Chiefs' Con-
7 ference?

8 A That I do not know.

9 Q And did not HATA later the same day, 16 July
10 1940, report to Premier YONAI that there was no man
11 who would be the successor to the post?

12 A He did not say anything of the kind to me.

13 Q Did he make that statement to Premier YONAI?

14 A I am not familiar, nor do I have any knowledge
15 of such matters.

16 Q Did not this failure of the War Minister HATA
17 to recommend a successor cause the fall of the YONAI
18 Cabinet?

19 A Having had no relations with such matters,
20 I do not know.

21 Q Was General HATA very desirous that TOJO
22 should be appointed as War Minister to succeed him?

23 A The fact of the matter is just this. I
24 expressed my views recommending General TOJO as
25

1 succeeding War Minister, and General HATA merely agreed
2 with my recommendation.

3 Q Did not General HATA, before KONOYE formed
4 his cabinet, go to the Emperor and recommend to the
5 Emperor that TOJO be appointed as War Minister?

6 A I do not know about that.

7 Q And was not this done secretly by War Minister
8 HATA at that time?

9 A I do not think anything was done secretly.

10 Q And did not the Emperor state that he thought
11 the procedure wrong because Prince KONOYE was still
12 in the midst of forming his cabinet and had not accepted
13 General TOJO for the post?

14 A I do not know.

15 Q And did not the Emperor state that he con-
16 sidered the action of War Minister HATA in secretly
17 recommending TOJO as his successor as being over hasty
18 and out of order?

19 A I am hearing such matters for the first time
20 now. I do not know.

21 MR. SUTTON: Your Honor, the last four
22 questions are based upon the excerpt from KIDO's Diary
23 which appears as exhibit 539, record 6266.

24 That concludes cross-examination of this
25 witness.

1 THE PRESIDENT: Mr. Lazarus.

2 MR. LAZARUS: No further questions, sir.

3 May the witness be dismissed on the usual terms?

4 THE PRESIDENT: He is excused accordingly.

5 (Whereupon, the witness was excused.)

6 MR. LAZARUS: We next offer in evidence, if
7 the Tribunal please, defense document 2616.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Defense document 2616
10 will receive exhibit No. 3205-A.

11 (Whereupon, the document above
12 referred to was marked defense exhibit
13 No. 3205-A and received in evidence.)

14 MR. LAZARUS: (Reading) "Certificate of
15 First Demobilization Bureau.

16 "I am the Section Chief of Documents in the
17 First Demobilization Bureau and hereby certify that
18 after searching for the letter which was sent in July
19 1940 from Chief of General Staff, Prince KANIN, to
20 War Minister HATA, Shunroku, it could not be found in
21 the files of the First Demobilization Bureau.

22 "Date, 23 September 1947, at Tokyo.

23 "Signed, MIYAMA, Yozo."

24 We next offer in evidence, if the Tribunal
25 please, defense document 2614, being the affidavit of

1 Dr. KANZAKI, Masayoshi, one of the counsel for HATA.

2 By agreement with Mr. Sutton, in the second
3 line the three words following the word "letter" will
4 be omitted from the reading, sir.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Defense document 2614
7 will receive exhibit No. 3205-B.

8 (Whereupon, the document above
9 referred to was marked defense exhibit
10 No. 3205-B and received in evidence.)

11 MR. LAZARUS (Reading):

12 "Ever since HATA, Shunroku was arraigned,
13 I have been his Chief Counsel.

14 "In order to obtain the letter demanding
15 the resignation which was sent from the Chief of General
16 Staff, Prince KANIN, to War Minister HATA, Shunroku
17 in July 1940, I, since spring 1946, have requested the
18 First Demobilization Bureau to take all measures possi-
19 ble to search for the letter but it could not be dis-
20 covered. Further, with the assistance of Mrs. HATA
21 and her son Shunpachi, I have searched HATA, Shunroku's
22 house with the utmost of my power several times, but I
23 could not discover it."

24 Signed, "KANZAKI, Masayoshi."
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1 Now, if the Tribunal please, we very respect-
2 fully submit that with reference to exhibit 3205, the
3 affidavit of SAWADA, Shigeru, the defense has done
4 everything within its power to account for the absence
5 of the letter referred to on page 2, and we respect-
6 fully submit that we now should be permitted to read
7 the contents of that letter. I respectfully submit, sir,
8 that since we have accounted for the absence of the
9 original letter, the next best evidence is the person
10 who wrote the letter and delivered it to the accused
11 HATA. That is the best evidence we can possibly produce
12 today, sir.

13 THE PRESIDENT: Mr. Sutton.

14 MR. SUTTON: We respectfully submit that the
15 evidence falls far short of proving that the alleged
16 letter from Prince KANIN to HATA is lost or destroyed
17 and cannot be produced. The affidavit of MIYAMA, Yozo
18 states only that the alleged letter could not be found
19 in the files of the First Demobilization Bureau. The
20 affidavit of Doctor KANZAKI states that he asked the
21 First Demobilization Bureau to search for the letter,
22 and that he caused a search to be made at HATA's home
23 and he, Doctor KANZAKI, could not discover it.

24 The primary source of information, we respect-
25 fully submit, is the person who is alleged to have

1 received the letter. Nothing has been presented from
2 him. There is no word or report from him as to what
3 was done with the alleged letter or where it is at
4 present. So far as this evidence discloses, the letter
5 may be in existence and the defendant HATA may have
6 full knowledge of that fact.

7 I respectfully submit that nothing has been
8 presented which would justify the Tribunal in changing
9 its decision heretofore given, record page 29,015, for
10 rejecting evidence as to the contents of the alleged
11 letter.

12 MR. LAZARUS: In very brief reply, sir, I
13 respectfully submit that the First Demobilization Bureau
14 was the proper custodian of that document, had it still
15 been in existence, and the affidavit of Doctor KANZAKI
16 was an additional attempt on our part to convince this
17 Tribunal that we have done everything in our power to
18 find where that letter possibly could be. Although we
19 know it couldn't have been in his home, we still searched
20 there.

21 THE PRESIDENT: By a majority the Court sustains
22 the objection. You may not read the contents of the
23 alleged letter from Prince KANIN to the accused HATA.

24 MR. LAZARUS: The next and last witness will be
25 TANAKA, Ryukichi.

1 R Y U K I C H I T A N A K A, recalled as a witness
2 on behalf of the defense, having been previous-
3 ly sworn, testified through Japanese interpreters
4 as follows:

5 DIRECT EXAMINATION

6 MR. LAZARUS: I ask that defense document 2637
7 be shown to the witness.

8 (Whereupon, a document was handed to
9 the witness.)

10 BY MR. LAZARUS:

11 Q General TANAKA, is that your affidavit?

12 A Yes.

13 MR. LAZARUS: By agreement with the prosecution
14 we will omit question and answer No. 10, if the Tribunal
15 please.

16 and with that exception, I offer into evidence
17 defense document 2637.

18 THE PRESIDENT: Mr. Sutton.

19 MR. SUTTON: May it please the Tribunal, an
20 affidavit containing substantially all of the statements
21 in this affidavit was presented, record 29,031, and
22 rejected with directions that it be withdrawn, record
23 29,037.
24

25 The present affidavit is subject to the same
objections urged successfully against the first as

1 containing the assumptions and conclusions of the witness.

2 We especially object to the questions and
3 answers, numbers 4, 6 and 7, as argumentative and calling
4 for and giving the opinions and conclusions of this
5 witness as to the reasons for certain alleged action
6 taken by General HATA.

7 THE PRESIDENT: Mr. Lazarus.

8 MR. LAZARUS: If the Tribunal will remember,
9 and I am sure it does, the Chief Prosecutor suggested
10 that the affidavit be recast and made more germane, which
11 has been done.

12 The answers to 4 and 6 contain exactly the
13 material contained in the previous affidavit, which para-
14 graphs were among the few not objected to by the pros-
15 ecution. The Tribunal will note that in both 4 and 6
16 the questions ask "Do you know..." and the answer each
17 time is "I know..."

18 THE PRESIDENT: By a majority the Court
19 overrules the objection and admits the document.

20 CLERK OF THE COURT: Defense document 2637
21 will receive exhibit No. 2233.

22 (Whereupon, the document above referred
23 to was marked defense exhibit No. 2233 and
24 received in evidence.)
25

MR. LAZARUS: (Reading)

1 "1. Q. Do you know the accused General HATA?

2 "A. Yes, I have known him very well since
3 December 1924 when I was working on the General Staff
4 and our relations privately and officially have been very
5 close.

6 "2. Q. Did you know General HATA during the
7 time he was War Minister in the ABE and the YONAI Cabinets?

8 "A. Yes, I was Section Chief of the Military
9 Service Bureau in the War Ministry during that period.
10 My duty was to supervise the actions of military personnel
11 and so I knew General HATA well and was very conversant
12 with the workings of the War Ministry.

13 "3. Q. What, if you know, was the position of
14 General HATA with reference to the proposed Tripartite
15 Pact.
16

17 "A. I know that General HATA was very
18 strongly opposed to it. In fact, it was very well known
19 in army circles that HATA strongly opposed the proposed
20 Tripartite Pact.

21 "4. Q. Do you know whether or not the army
22 agreed with General HATA's position with reference to
23 the Tripartite Pact?

24 "A. I know that the army were in favor of
25 the Tripartite Pact and because of HATA's opposition to
the Tripartite Pact, HATA was so strongly opposed by

1 those around him that his orders in the War Ministry
2 were not being obeyed. In fact, at the time of his fall,
3 General HATA was War Minister in name only because a
4 successor had already been decided upon in army circles.

5 "5. Q. How do you know that others in the
6 War Ministry opposed General HATA?

7 "A. On the 14th of February 1945, I met
8 General ANAMI and at that time he told me that he
9 regretted very much the part he had played in opposing
10 General HATA and in bringing about the resignation of
11 General HATA as War Minister in the YONAI Cabinet and he
12 also told me the details of the opposition within the
13 War Ministry against General HATA. General ANAMI had
14 been Vice Minister of War under General HATA in the YONAI
15 Cabinet.
16

17 "6. Q. Do you know if there were any other
18 reasons why the army opposed General HATA as strongly
19 as you say you know they did?

20 "A. Yes, there were several reasons. The
21 hatred and dislike of General HATA persisted from the
22 day when he first supported the readjustment plan of the
23 army when General UGAKI was War Minister and increased
24 when he became War Minister in the ABE Cabinet, which
25 Cabinet preceded the YONAI Cabinet. Two incidents served
to heighten the hatred and dislike for HATA. The first

1 was that another man had been recommended by the Three
2 Chiefs' Council to be War Minister in the ABE Cabinet
3 but the Emperor ordered that HATA should become the War
4 Minister and the post was given to General HATA. A
5 further incident which served to aggravate the antipathy
6 felt by those in high army circles was the following:
7 General HATA was strongly opposed to the participation
8 by army officers in politics and when he became War
9 Minister for the first time, he addressed all the officers
10 in the War Ministry Building. The gist of the speech
11 was as follows:

12 "The present army is not trusted by the Emperor
13 and it is the first duty of the army to endeavor to
14 recover the Emperor's trust. In order to achieve this
15 objective, all military personnel should absolutely
16 cease any participation in politics and return to their
17 regular duties of soldiering.

18 "7. Q. Can you give any example of HATA's
19 enforcing the order of 'no politics' by War Ministry
20 officers while he was War Minister?

21 "A. Yes, in 1939 when General HATA learned
22 that a certain colonel made a speech in Sendai attacking
23 the United States and England saying 'Down with those
24 countries', he became indignant and ordered me to have
25 that officer brought back to Tokyo. When I had him

1 brought back to Tokyo, General HATA reprimanded him and
2 then transferred him to an outlying post as punishment.

3 "Q. While HATA was War Minister and you
4 were a section chief under him, do you know if General
5 HATA took any action with reference to the China Incident?

6 "A. Yes. In the fall of 1939 when HATA
7 was War Minister in the ABE Cabinet, I began, under
8 instructions from General HATA, negotiations with Chiang
9 Kai-shek for a peaceful settlement of the China Incident.
10 HATA told me that he wanted to bring about peace with
11 China by the reduction and then the withdrawal of all
12 Japanese troops from China. HATA told me that because
13 of the opposition around him to his plan, we would have
14 to work undercover and unofficially. General HATA gave
15 me two points on which to work. One was to arrange the
16 dates and place for the two messengers, one from HATA
17 and one from Chiang Kai-shek, to meet, and the second
18 was that the basis of the peace treaty would be the
19 evacuation of all Japanese troops from China. HATA told
20 me that while the negotiations were going on he would
21 show his good faith to the Chinese by reducing the
22 Japanese troops in China from 900,000 to between 500,000
23 and 600,000 when he made the next budget as War Minister,
24 and I know that in his 1940 budget he did reduce the
25 number of Japanese troops in China to approximately

1 600,000. However, there was great opposition from
2 within the War Ministry and the General Staff to any
3 withdrawal of Japanese troops from China. It was
4 insisted that Japanese troops should be permanently
5 kept in the Shanghai and North China Areas. HATA
6 opposed this. He stated that we must evacuate all troops
7 from China. He stated that if we did not evacuate
8 Japanese troops from China there would be absolutely
9 no hope of concluding a peace treaty with Chiang Kai-shek.
10 The necessary negotiations with Chiang Kai-shek were so
11 secret that at first the preliminary steps had to be
12 carried out with signal codes. It was very difficult
13 to convince the side of Chiang Kai-shek that a sincere
14 attempt was being made to bring about peace. Gradually,
15 however, they were convinced and came to believe that a
16 peace treaty was possible and they started deciding on
17 dates and places for future meetings.
18

1 "11. Q. After General HATA became Commander
2 of the Japanese Forces in China while you were still
3 a Bureau chief in the War Ministry, do you know of
4 any statements made or any actions taken by General
5 HATA with reference to the Pacific War?

6 "A. Yes. In September 1941, when General
7 HATA was commander in China and when relations be-
8 tween America and Japan were steadily deteriorating,
9 General HATA sent his Chief of Staff, Lt. General
10 USHIROGU, to Tokyo to see me and tell me that he,
11 HATA, wanted to withdraw all Japanese troops from
12 China in order to avoid a war with America. HATA
13 asked me to help push this plan of his in the War
14 Ministry.
15

16 "12. Q. Then what happened?

17 "A. General USHIROGU told me HATA had in-
18 structed him to go to the War Minister, the Navy
19 Minister, the Chief of the General Staff and the
20 Prime Minister and give the same message to each of
21 them.

22 "13. Q. Then what happened?

23 "A. After General USHIROGU had seen them, he
24 came and told me the answers he received from each of
25 these men, before he left for China again, to report
to General HATA.

1 "14. Q. At any time while General HATA was
2 Was Minister and while you were a section chief under
3 him in the War Ministry, did the question of the use
4 of Chinese prisoners in coal mines in Japan come up?

5 "A. Yes. In the spring of 1940, it was
6 proposed to use Chinese prisoners in the coal mines
7 of Japan. General HATA opposed it and as a result
8 of his opposition the plan did not go into effect.

9 "15. Q. At any later period while you were
10 still a member of the War Ministry as a section chief,
11 did the question of use of Chinese prisoners in coal
12 mines in Japan come up?

13 "A. Yes. In 1942, the question of using
14 those prisoners in the coal mines of Japan again came
15 up and General HATA who was then Commander of the
16 Japanese Forces in China again strongly opposed the
17 plan and because of his opposition the plan was not
18 carried out.

19 "16. Q. Do you know if Chinese prisoners
20 were ever used in the coal mines in Japan?

21 "A. Yes. I know that in 1944 Chinese labor-
22 ers were brought to Japan and it was through the
23 Greater East Asia Ministry. General HATA had nothing
24 to do with it and he did not have any control over it
25 because the supervision of labor had already been

1 detached from army control and had come under the
2 Greater East Asia Ministry."

3 Mr. Sutton.

4 THE PRESIDENT: Mr. Sutton.

5 CROSS-EXAMINATION

6 BY MR. SUTTON:

7 Q General TANAKA, what was the reply made by
8 War Minister TOJO to the message from General HATA
9 sent in by General USHIROGU?

10 A General USHIROGU said, after he met General
11 TOJO, that TOJO had said that if America would accept
12 the Japanese demands, then peace would be established --
13 would be secured between the two countries.

14 Q Did General HATA after 1939 become Commanding
15 General of all Japanese forces in China?

16 A Yes.

17 Q You state that he advocated in 1939 the with-
18 drawal of troops from China.

19 A Yes, I do.

20 Q Did he, during the period from 1 March 1941
21 to 22 November 1944, extend the theater of military
22 operations to comprise large portions of China?

23 A Yes.

24 Q And, did not the troops under his command in
25 1941 capture Fuchow, the capital of Fukien Province?

1 A Yes, that is so.

2 Q And, did they not capture Ichang?

3 THE MONITOR: What province?

4 MR. SUTTON: I-c-h-a-n-g.

5 A Yes.

6 Q And, did not the troops under his command,
7 during 1942 and '43 and '44, in China, capture Lung-
8 ling, Tunchung, Changteh, Chinchow, Loyang, Changsha,
9 the capital of Honan Province, Hengyang, Kweilin, and
10 Liuchow?

11 A Yes, just as you stated in your question, these
12 places were captured.

13 MR. SUTTON: May it please the Tribunal, with
14 regard to that portion of this affidavit which deals
15 with the treatment of prisoners of war in China,
16 questions and answers 14, 15, and 16, the prosecution
17 respectfully draws the attention of the Tribunal to
18 the following portions of the evidence concerning the
19 treatment of prisoners of war in those portions of
20 China under General HATA's command:

22 As to Hong Kong and that vicinity, exhibits
23 1590 to 1608 inclusive, record 13,162 to 13,185, and
24 the testimony of Barnett, record 13,112 to 13,147;

25 As to Shanghai and other parts of China, the
following exhibits: exhibits 1888 to 1896 inclusive,

1 record 14,158 to 14,172; exhibits 1900 to 1902
2 inclusive, record 14,178 to 14,184; exhibit 1904,
3 record 14,186; exhibits 1907 to 1909 inclusive,
4 record 14,188 to 14,190; exhibit 1911, record
5 14,191; exhibits 1914 to 1915 inclusive, record
6 14,194 to 14,195; and the testimony of Powell,
7 record 3,270 to 3,280;

8 As to evidence that Chinese were brought
9 by the Japanese army to Japan and forced to labor
10 here, we respectfully refer to the testimony of Liu
11 Yao-hwa, record 4,614-8, and the testimony of Ti
12 Shu-tang, record 4,618-29.

13 That concludes the cross-examination of this
14 witness.
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MR. LAZARUS: No redirect, Mr. President.

I ask that the witness be excused on the
usual terms.

THE PRESIDENT: He is excused accordingly.

(Whereupon, the witness was ex-
cused.)

MR. LAZARUS: If the Tribunal pleases, this
concludes the evidence on behalf of HATA, Shunroku.

1 K A Z U J I K A M E Y A M A, called as a witness
2 on behalf of the defense, resumed the stand and
3 testified through Japanese interpreters as
4 follows:

5 THE PRESIDENT: Mr. Yamaoka.

6 MR. YAMAOKA: May it please the Tribunal,
7 in reply to the objections of the prosecution to the
8 testimony of this witness, KAMEYAMA, as contained in
9 defense document 2464, I respectfully invite the
10 attention of the Tribunal to the fact that this wit-
11 ness was an official in the Japanese Foreign Office
12 during the period that the questions of the non-
13 aggression pact and the sale of the Chinese Eastern
14 Railway were being considered. The affidavit clearly
15 states, furthermore, that he was directly in charge
16 of these problems and is therefore most qualified to
17 testify on these matters.
18

19 THE PRESIDENT: But he relies on what he was
20 told by others, and does not say who they were.

21 MR. YAMAOKA: I respectfully submit, Mr.
22 President, that that is admittedly hearsay, but I do
23 not understand that hearsay in and of itself is an
24 objection.

25 THE PRESIDENT: The source of the information
should always be disclosed.

1 MR. YAMAOKA: I believe if I may invite the
2 Tribunal's attention to paragraph 3 of this affidavit
3 it will be revealed that the deponent does set forth
4 the sources of his information.

5 THE PRESIDENT: He speaks of "a certain
6 superior official" in 4 and again in 8, and they are
7 very important paragraphs. In 3 he does not use that
8 phraseology.

9 MR. YAMAOKA: I respectfully submit, if the
10 Tribunal please, that if there is any doubt on that,
11 that could be elicited on cross-examination, and it
12 only goes to the weight of this witness' testimony.

13 THE PRESIDENT: What an unknown person says
14 has little weight as a rule.

15 MR. YAMAOKA: If the Tribunal desires and
16 will allow me, I shall ask this witness the sources
17 of his information and knowledge.

18 THE PRESIDENT: There are other objections you
19 had better deal with first, Mr. Yamaoka.

20 MR. YAMAOKA: Concerning the non-aggression
21 pact, the Soviet prosecutor in support of counts of
22 the Indictment stated, record 7,712 and 7,713, that
23 the Japanese Government twice rejected the official
24 proposals of the USSR to conclude a non-aggression
25 pact and continued her hostile policies toward the

1 USSR, and in support thereof offered in evidence
2 prosecution exhibit 744, an excerpt from Litvinov's
3 diary.

4 Mr. Furness of the defense objected to the
5 introduction of this document on the ground that the
6 refusal to sign a non-aggression pact does not prove
7 any aggressive warfare or any plan of aggression.
8 The Tribunal, in overruling the objection, stated --
9 and I beg the indulgence to quote just a few short
10 lines -- I quote: "Failure to agree to make a non-
11 aggression pact, taken alone, would of course not be
12 evidence of an intention to make war, but taken in
13 conjunction with other circumstances it may reveal a
14 state of mind in favor of war. I cannot say that it
15 isn't relevant to any issue, to the issue of aggressive
16 war or preparation or conspiracy to wage it."

17 THE PRESIDENT: Well, now, it is also claimed
18 by the learned prosecutor that a lot of this document
19 you are tendering is already in evidence. He gave us
20 the number of four or five exhibits.

21 MR. YAMAOKA: I intended --

22 THE PRESIDENT: We will hear you further after
23 the recess.

24 We will recess for fifteen minutes.

25 (Whereupon, at 1045, a recess was

1 taken until 1100, after which the proceed-
2 ings were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 MR. YAMAOKA: May it please the Tribunal,
4 I will continue dealing with each exhibit which was
5 mentioned by the learned prosecutor yesterday in sup-
6 port of his objection.

7 THE PRESIDENT: We read the exhibits, and we
8 fail to see in these documents, or in this particular
9 affidavit, anything that we do not already know ex-
10 cept the details of the purchase of the railway which
11 we think are of no real assistance.

12 MR. YAMAOKA: If the Tribunal please, I
13 should desire to point out that at record page 7241
14 the Soviet prosecutor stated that the USSR was forced
15 to sell the CER at a low price and tendered some of
16 these exhibits in evidence in support of that charge.
17 We now propose through this witness to show, first,
18 that such sale was not forced; and I may add that we
19 do have other evidence later on our order of proof
20 which will substantiate that position, and that this
21 discloses the part played by Mr. HIROTA in these
22 negotiations as well as his lack of participation.

23 We respectfully submit that this is a very
24 important matter on the question of whether or not
25 Mr. HIROTA, by his acts or lack of participation, is

1 chargeable with the conspiracy which has been levelled
2 against him. I do not believe, if your Honors please,
3 that any of these exhibits, aside from 744, I believe,
4 reveal any of the acts of HIROTA and his participa-
5 tion in these negotiations. Admittedly, some of
6 them do cover the general subject matter, such as
7 official notes and the sale contract, that is, an
8 excerpt from it, et cetera.

9 As to the further objection that some of
10 the testimony of this witness covers matters when
11 the accused HIROTA was not in office, I beg to state
12 that this period covered about eleven months, from
13 the Fall of 1932 until September, 1933 when he be-
14 came the Foreign Minister in the SAITO Cabinet.
15 Thereafter, Mr. HIROTA was almost continuously in
16 office until 1938. During the entire career of Mr.
17 HIROTA the prosecution charges that he acted in
18 furtherance of a conspiracy, if I understand the
19 charge correctly. If that be assumed, then I re-
20 spectfully submit that the acts of the Japanese
21 Government during the brief period when he was out
22 of office is still very material to show whether or
23 not the accused, when he did at a later date continue
24 in office or assume an official position, acted in
25 furtherance of the conspiracy.

1 Now, as to exhibit 845, which is a verbal
2 note delivered by the Foreign Minister, Count UCHIDA,
3 to Ambassador Troyanovsky on December 13, 1932 show-
4 ing the reasons why the Japanese Government at that
5 time did not favor the conclusion of the Non-Agres-
6 sion Pact, the learned prosecutor yesterday stated
7 that, while the affidavit of this witness in para-
8 graph 11 states that the Japanese Foreign Office
9 copies have been lost by fire during the war and
10 cannot be found, the prosecution has produced the
11 original thereof. I respectfully submit to the Tri-
12 bunal that both statements are correct since a peru-
13 sal of exhibit 745 clearly shows that it is the
14 original supplied from Moscow, and this in no way
15 contradicts the correctness of the statement by this
16 witness as to the Japanese copy.

17 In the submission of the defense, it is re-
18 spectfully submitted that the testimony of this wit-
19 ness as to the particular part played by Mr. HIROTA
20 in these negotiations are relevant and material to
21 the defense of the accused HIROTA and that his affi-
22 davit should be admitted in evidence.

23 THE PRESIDENT: By a majority the Tribunal
24 sustains the objections except as to paragraphs 1,
25 9 and 10 which are admitted on the usual terms. We

1 invite the cooperation of learned counsel to keep
2 the argument on objections within reasonable bounds.

3 MR. YAMAOKA: Yes, your Honor.

4 CLERK OF THE COURT: Defense document 2464
5 will receive exhibit No. 3234.

6 (Whereupon, the document above
7 referred to was marked defense exhibit
8 No. 3234 and received in evidence.)
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1 R. YAMAOKA: I shall read exhibit 3234 as
2 admitted, omitting the formal part:

3 "(1). I entered the service of the Foreign
4 Office in February 1922 and retired from office in
5 March 1946. I held a post of the First Section, Bureau
6 of European and American Affairs (afterwards Bureau of
7 European-Asiatic Affairs) from February 1922 to March
8 1927 and from November 1930 to May 1935, taking charge
9 of business concerning the Soviet Union. As to the
10 problem of the conclusion of the Soviet-Japanese Non-
11 Aggression Pact and the purchase of the East China
12 Railway upon which I depose here, I was directly in
13 charge of the business concerning them while I was in
14 the above post. Further, I served at the Japanese
15 Embassy in Moscow first as a second secretary from May
16 1935 to November 1937, and then as a councillor from
17 December 1942 to March 1945.

18 "(9) On May 2, 1933, Soviet People's Com-
19 missar for Foreign Affairs Litvinov formally proposed
20 to Ambassador OTA, who had succeeded Mr. HIROTA, to
21 open negotiations for the selling of the East China
22 Railway. The negotiation was started, as a result, on
23 June 27, that year, at Tokyo, between the delegations
24 of the Soviet Union and Manchukuo.

25 "(10) The crucial point of the negotiations

was the question of the selling price of the Railway.

1 The direct negotiations between the Soviet and Man-
2 chukuo delegations which dragged on for about one year
3 were full of difficulty, and they often came to a stand-
4 still. To state the general progress of the negotia-
5 tions, the Soviet side demanded, at the official con-
6 ference of the beginning of July 1933, to receive
7 250,000,000 gold rouble -- that is, about 625,000,000
8 yen in Japanese money according to what the Soviet
9 Government claimed to be the officially fixed exchange
10 rate -- for the railway, and maintained that the retir-
11 ing allowance for the Soviet employees of the railway
12 company should be paid by the Manchukuo Government.

14 Whereas, the Manchukuo side proposed to pay 50,000,000
15 yen for the railway. After that, the Soviet side pro-
16 posed, at a comparatively earlier stage of the nego-
17 tiations, to reduce the selling price by 50,000,000
18 rouble. Further, in February 1934, it proposed to fix
19 the selling price of the railway as 200,000,000 yen in
20 Japanese money. On the other hand, the Manchukuo side
21 proposed to raise the purchase price by 50,000,000 yen
22 in April, that same year. And on July 23, after many
23 disputes, Foreign Minister HIROTA suggested an inter-
24 mediary plan that the selling price should be 120,000,000
25 yen and that the retiring allowance for the Soviet em-

1 ployees should be paid by the Manchukuo Government.
2 The Manchukuo side expressed its willingness to accept
3 the plan but the Soviet side rejected, showing its own
4 counter-plan of demanding 160,000,000 yen for the East
5 China Railway. In this way, the negotiations between
6 Manchukuo and the Soviet Union were brought to a dead-
7 lock in August 1934.

8 "Hereon, conversations were held successively
9 between Foreign Minister HIROTA in the capacity of an
10 intermediary and Ambassador Yurenev of the Soviet
11 Delegation, which progressed smoothly. And an agree-
12 ment was attained in outline between the two, at the
13 end of the year, resulting in the signing on March
14 23, 1935, of the Agreement concerning the East China
15 Railway between Manchukuo and the Soviet Union, which
16 contained stipulations that the selling price of the
17 railway should be fixed at 140,000,000 yen and that the
18 retiring allowance for the Soviet employees, 30,000,000
19 yen, should be paid by the Manchukuo Government."

20 Your witness.
21

22 THE PRESIDENT: Major Blakeney.

23 MR. BLAKENEY: I wish to make some additional
24 examination on behalf of the defendant TOGO.
25

DIRECT EXAMINATION (Continued)

1
2 BY MR. BLAKENEY:

3 Q Mr. Witness, at the time when you were for
4 the first time in the Bureau of European-American
5 Affairs, who was the section chief over you?

6 A Mr. TOGO was chief.

7 Q How long did he serve as section chief while
8 you were in the section?

9 A For three full years, from 1923 to 1925.

10 Q During that period what important business
11 occurred in the section vis-a-vis the USSR?

12 THE PRESIDENT: Mr. Comyns Carr.

13 MR. COMYNS CARR: If it please the Tribunal,
14 the prosecution objects to this class of question.
15 As I have always understood it, further examination
16 by other counsel of a witness is confined, just as
17 cross-examination is, to the subject with which he
18 has dealt in his affidavit. The witness' affidavit
19 is confined to the Chinese Eastern Railway negotia-
20 tions in 1933 to 1935.

21
22 MR. BLAKENEY: If counsel's position be
23 correct concerning the limitation on further examina-
24 tion, I point out that the witness testified that
25 from 1922 to 1927 he was in a section which had
charge of business concerning the Soviet Union. Of

1 course, I do not think there is or has been implied
2 in this Tribunal any such rule of limitation on
3 further examination in chief.

4 MR. COMYNS CARR: I am not sure whether the
5 point has arisen for decision. If not, I submit
6 it now because, in my submission, the whole object
7 or both of the two objects of testimony being given
8 by affidavit would be defeated if such an extension
9 is allowed: in the first place, the waste of time
10 through what ought to be on affidavit being taken
11 orally; and in the second place, the absence of
12 notice as to the subjects to be inquired into.

13 As to my friend's reference to paragraph 1,
14 that is merely the witness' career. He has given no
15 evidence about anything that happened during that
16 period.

17 MR. BLAKENEY: If counsel has concluded his
18 second argument on the point, I should like to be
19 permitted to finish. This very point has arisen
20 within the week and has been ruled upon by the Tri-
21 bunal. I am sorry that I cannot get from memory the
22 the page reference, of course, or even the name of
23 the witness, but early in this week, upon questions
24 being put by Mr. Cole for General MUTO, objection
25 was made by Mr. Sutton that the questions were with-

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1 out the scope of the direct examination, which ob-
2 jection was overruled. Therefore, I submit that the
3 objection comes too late if it have merit.

4 THE PRESIDENT: The matter is wholly one
5 for the discretion of the Tribunal. Some Members
6 may well think that the accused should not put their
7 case piecemeal by wedging it in with the case or
8 cases of other accused but should give all their
9 evidence in their own case and recall the witness,
10 if necessary. Others may think that because a
11 witness is in the box he should say all that he has
12 to say if it is, of course, not very extensive
13 and such as not to call for another affidavit. That
14 is a serious objection.

15 MR. BLAKENEY: I am entirely amenable to
16 anything--

17 THE PRESIDENT: I think the position is
18 summed up, as far as I understand it, in this way by
19 a colleague: We have been in the habit of allowing
20 direct examination by other accused providing the
21 matter dealt with did not require lengthy treatment
22 and was not a substantial evasion of the rule requiring
23 service of affidavits. I cannot add to that.

24 MR. BLAKENEY: I am entirely amenable to
25 any suggestion of the Tribunal. I thought this would

1 be expeditious; it may not be.

2 THE PRESIDENT: If there is too much, many
3 questions to put, perhaps you had better recall him
4 with a fresh affidavit.

5 MR. BLAKENEY: I will be very glad to proceed
6 so.

7 THE PRESIDENT: Yes.

8 Mr. Comyns Carr.

9 MR. COMYNS CARR: Your Honor, the prosecution
10 does not propose to cross-examine this witness but
11 refers the Tribunal to exhibits 692 and 693 and
12 particularly, with regard to the break in the nego-
13 tiations for the Chinese Eastern Railway at the end
14 of paragraph 10, to exhibits 748, page 7,739, and 749,
15 page 7,742. The page reference for exhibits 692 and
16 693 is page 7,447 and onward.

17 THE PRESIDENT: Do you want the witness any
18 further, Mr. Yamaoka?

19 MR. YAMAOKA: May the witness be released
20 on the usual terms?

21 THE PRESIDENT: He is released accordingly.

22 (Whereupon, the witness was excused.)

23 MR. YAMAOKA: If the Tribunal please, in the
24 light of the ruling in respect of the previous exhibit,
25 I withdraw the next document on the order of proof,

defense document 2553.

1 We now offer in evidence defense document
2 2509. This document shows the address made by the
3 Soviet delegate at the first formal conference on
4 June 26, 1933, at which time negotiations for the
5 sale of the Chinese Eastern Railway were opened
6 between delegates of the Soviet Union and Manchukuo.
7 This document is designed to show the willingness,
8 even eagerness, of the Soviet Union to dispose of
9 that railway. Herein the Tribunal will perceive
10 from at least one piece of evidence the absence of
11 any pressure or coercion on the part of Japan.
12

13 THE PRESIDENT: Mr. Brown.

14 MR. BROWN: Your Honor, the prosecution
15 objects to this document which in its submission is
16 irrelevant to the individual case of the accused
17 HIROTA. It is a Russian note to the Japanese Govern-
18 ment stating its willingness to sell the Chinese
19 Eastern Railway at a time when HIROTA was not in
20 office.
21

22 THE PRESIDENT: Mr. Yamaoka.

23 MR. YAMAOKA: If the Tribunal please, I
24 stated previously that the Soviet prosecution charged
25 that the sale of the Chinese Eastern Railway was forced
and at a low price and, I believe, HIROTA has been

1 charged with having undertaken official acts in
2 connection with these negotiations in furtherance
3 of the charge levied by the prosecution. While
4 admittedly this document is dated prior to the
5 time Mr. HIROTA was in office as Foreign Minister,
6 nevertheless it is only a question of a few months
7 antecedent thereto, and after he assumed office these
8 negotiations were continued. In the light of the
9 fact that this appears to be a charge of continuing
10 conspiracy, in our submission this document is rele-
11 vant and material as showing whether or not the
12 negotiations were forced upon the Soviet Union.

13 THE PRESIDENT: By a majority the objections
14 are overruled and the document admitted on the usual
15 terms.

16 CLERK OF THE COURT: Pamphlet entitled
17 "Collection of the Publications in Connection with
18 the Negotiation for the Purchase of North Manchuria
19 Railway" will receive exhibit No. 3235 for identifica-
20 tion only; the excerpt therefrom, being defense docu-
21 ment 2509, will receive exhibit No. 3235-A.

22 (Whereupon, the pamphlet above
23 referred to was marked defense exhibit
24 No. 3235 for identification only; the
25 excerpt therefrom, being defense document

1 2509, was marked defense exhibit No. 3235-A
2 and received in evidence.)

3 MR. YAMAOKA: I read exhibit 3235-A:

4 "The First Formal Conference (June 26, 1933).

5 "Reply of the Soviet Delegate.

6 "Your Excellency,

7 "On behalf of the Soviet delegation, I wish
8 to express my gratitude to the Imperial Japanese
9 Government which has offered its good offices to act
10 as intermediary in connection with a fundamental
11 settlement of the question of the Chinese Eastern
12 Railway and proposed that a conference be held in the
13 Japanese capital regarding the sale of the said rail-
14 way. The Government of the USSR seeks to carry out
15 thoroughly its immutable policy of peace and its
16 policy of promoting amicable relations with all nations,
17 and it places special emphasis hereafter on furthering
18 more and more the friendly relations with Japan which
19 is an important factor in the peace of the Far East
20 and of the world.

21
22 "In accordance with these policies, the
23 Soviet Government, from the beginning of the outbreak
24 of the Manchurian Incident, has given ample proof
25 that it adheres to a policy of strict neutrality and
absolute nonintervention, that it has due consideration

1 for the interests of Japan and at the same time
2 strictly observes its obligations under reciprocal
3 treaties, and that it is prepared to guarantee friendly
4 relations with its neighboring countries on the basis
5 of respect for mutual interests. The Soviet Govern-
6 ment has on several occasions discussed methods of
7 settling the Chinese Eastern Railway dispute with
8 Japan which has pledged not to infringe upon the
9 interests of the USSR in North Manchuria and which
10 has expressed concern for the maintenance of peace
11 and order in Manchuria. Having due regard for the
12 fact that recently the said railway might possibly
13 become and actually has become the source of dispute
14 among the USSR, Japan and Manchukuo and that certain
15 influences opposed to peace have taken advantage of
16 this fact and are seeking to aggravate Soviet-Japanese
17 and Soviet-Manchukuo relations, the Soviet Government
18 informed the Japanese Government that it is prepared
19 to negotiate for a fundamental settlement of the ques-
20 tion of the Chinese Eastern Railway by means of
21 selling the said railway. Thus, the Soviet proposal
22 is based on its constant desire to further its friendly
23 relations with Japan and to secure peace. This is but
24 another instance which shows the desire of the USSR
25 for peace. As stated in the speech of the Japanese

1 Foreign Minister, Count UCHIDA, the Chinese Eastern
2 Railway was constructed by Czarist Russia, which, by
3 constructing this railway in the territory of another
4 country, sought to attain its aggressive and imper-
5 ialistic aims, but the Soviet Government does not,
6 nor can it, have such aims. The October Revolution
7 destroyed the significance of the Chinese Eastern
8 Railway as an instrument of imperialistic aggression.
9 The Soviet Government changed this railway to a
10 purely commercial enterprise and granted to the
11 owner of (the country owning) the territory on which
12 the said railway was constructed the right of joint
13 management and division of its profits under the Sino-
14 Russian Convention and the Mukden Agreement.

15 "However, the Soviet Government has taken the
16 view, and still does, that it is its duty to protect
17 its material interests concerning this railway which
18 was constructed chiefly through the labor and capital
19 of the Soviet people and which is the property of the
20 USSR.

21
22 "As stated by Count UCHIDA, the Japanese
23 Foreign Minister, the Chinese Eastern Railway possesses
24 important international significance. That is to say,
25 the said railway, even at the present time, plays a
most important part in the international communication

1 Foreign Minister, Count UCHIDA, the Chinese Eastern
2 Railway was constructed by Czarist Russia, which, by
3 constructing this railway in the territory of another
4 country, sought to attain its aggressive and imper-
5 ialistic aims, but the Soviet Government does not,
6 nor can it, have such aims. The October Revolution
7 destroyed the significance of the Chinese Eastern
8 Railway as an instrument of imperialistic aggression.
9 The Soviet Government changed this railway to a
10 purely commercial enterprise and granted to the
11 owner of (the country owning) the territory on which
12 the said railway was constructed the right of joint
13 management and division of its profits under the Sino-
14 Russian Convention and the Mukden Agreement.

15 "However, the Soviet Government has taken the
16 view, and still does, that it is its duty to protect
17 its material interests concerning this railway which
18 was constructed chiefly through the labor and capital
19 of the Soviet people and which is the property of the
20 USSR.

21 "As stated by Count UCHIDA, the Japanese
22 Foreign Minister, the Chinese Eastern Railway possesses
23 important international significance. That is to say,
24 the said railway, even at the present time, plays a
25 most important part in the international communication

1 between Europe and Asia and has significance as an
2 important trunk line which links North Manchuria and
3 the southern districts of Manchuria as well as the
4 Pacific.

5 "In connection with the recent incident and
6 the present situation in Manchuria, the deteriorating
7 economic situation of the said railway will, of course,
8 be improved with the future progress and economic
9 development of Manchukuo. In view of the foregoing,
10 therefore, the Soviet delegation has entered into
11 negotiations for the sale of the Chinese Eastern
12 Railway in order to secure our mutual friendly rela-
13 tions and to seek the enhancement of these relations
14 in the future with prudence and sincerity necessary
15 for a fundamental and effective settlement of the
16 problem which has such important significance.

17 "It is our desire that the Manchukuo author-
18 ities, which recognized, in a note dated March 12th
19 addressed to the Soviet Government, all obligations
20 arising out of the Sino-Russian Convention and the
21 Mukden Agreement, will manifest equal sincerity with
22 a view to arriving at a harmonious termination of the
23 present conference.

24 "We hope that the negotiations which have
25 commenced today will produce the expected results

1 through the positive and kind assistance of the
 2 Japanese Government."

3 There is a certificate attached which I
 4 will not read.

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1 THE PRESIDENT: Have you any further documents
2 on that particular phase?

3 MR. YAMAOKA: Yes, your Honor, we do.

4 THE PRESIDENT: Well, they may be repetitive
5 You don't need a large number of documents on this
6 particular point.

7 MR. YAMAOKA: We shall endeavor to peruse
8 the documents with a view to complying with the
9 Tribunal's wishes during the noon recess.

10 THE PRESIDENT: What evidence are you endeavor-
11 ing to meet -- evidence of the prosecution?

12 MR. YAMAOKA: That is with regard to the
13 Chinese Eastern Railway, I take it?

14 THE PRESIDENT: What evidence containing any
15 charge against you?

16 MR. YAMAOKA: Well, if the Tribunal pleases,
17 the Soviet prosecution stated in its statement on
18 page 7241 of the record, which I have previously men-
19 tioned, that the sale of the railway at a low price
20 was forced on the Soviet Union. I believe that I
21 can find other references in the record on that subject.

22 THE PRESIDENT: We want evidence, not mere
23 assertions. There is nothing in the Indictment, so
24 far as we can see, that would justify this type of
25 evidence. You have to meet evidence, and evidence alone.

1 MR. YAMAOKA: The first statement made by
2 your Honor is one with which counsel agrees. On the
3 other hand, since the subject of the Chinese Eastern
4 Railway has been brought forth by the prosecution for
5 whatever purpose they may desire or see fit, and have
6 charged that the sale was forced upon the U.S.S.R., we
7 are obliged to offer proof that it was not.

8 THE PRESIDENT: Mr. Comyns Carr.

9 MR. COMYNS CARR: Your Honor, in my submission
10 this is all based on a misreading of the passage which
11 my friend quoted from the Soviet prosecutor's speech.
12 The allegation was not that the negotiations for the
13 sale of this railway were initiated as the result of
14 any pressure or otherwise than voluntarily by the
15 U.S.S.R. The allegation, which was supported by exhibits
16 748 and 749 which I just quoted, was that when in
17 August 1934, as the last affidavit stated, the negoti-
18 ations broke down, then pressure was applied by sabotage
19 and ill-treatment of Soviet officials operating the
20 railway in Manchuria to compel them to agree to the
21 Japanese price. That was, of course, in the time of
22 the accused HIROTA.

23 THE PRESIDENT: Is that in the Indictment? We
24 must have it in the Indictment before we can deal with
25 it.

1 MR. COMYNS CARR: Yes, of course.

2 THE PRESIDENT: We must have the allegation
3 in the Indictment, plus the evidence supporting it.

4 MR. COMYNS CARR: There is no specific
5 allegation about it in the Indictment, nor is it an
6 important part of the evidence of conspiracy, but it
7 is only as evidence of conspiracy and preparation that
8 it was introduced. None of these documents deals with
9 the real allegation at all.

10 THE PRESIDENT: In view of that clarification
11 by Mr. Comyns Carr, Mr. Yamaoka, you may decide not to
12 press a number of these documents.

13 MR. YAMAOKA: Yes, your Honor.

14 THE PRESIDENT: You will have an opportunity
15 to review that during the luncheon recess.

16 We will adjourn until half past one.

17 (Whereupon, at 1200, a recess -
18 was taken.)
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AFTERNOON SESSION

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3 The Tribunal met, pursuant to recess, at
4 1330.

5 MARSHAL OF THE COURT: The International
6 Military Tribunal for the Far East is now resumed.

7 THE PRESIDENT: Mr. Yamaoka.

8 MR. YAMAOKA: If the Tribunal please, pursuant
9 to the suggestion of the Tribunal just before recess
10 regarding the withdrawal of certain documents deal-
11 ing with the Chinese Eastern Railway, I have con-
12 ferred with my co-counsel and have agreed to withdraw
13 the following documents from the order or proof dated
14 23 September 1947:

15 No. 12, which is defense document 2167;
16 No. 17, which is defense document 206-B-12; No. 22,
17 defense document 2019, being that this is practically
18 identical with exhibit 936; No. 39, being defense
19 document 2219.

20 I have not had the opportunity to go any
21 further than that during the noon recess, but at
22 Monday's session I am quite sure we could make further
23 announcements. I might add, also, if the Tribunal
24 please, that of some of the documents which are still
25 to be offered where there are references contained

1 therein to the Chinese Eastern Railway problem, we
2 shall delete them from the reading.

3 We now offer in evidence defense document
4 206-B-2, which is a part of the affidavit of Ambassa-
5 dor Grew referred to in defense document 2468. This
6 document, among other things, shows that Mr. HIROTA
7 told the American Ambassador immediately upon assum-
8 ing his first office as Foreign Minister his policy.

9 THE PRESIDENT: Mr. Brown.

10 MR. BROWN: Your Honor, the prosecution
11 objects to part of this document. It does not object
12 to part of the first paragraph down to the words, "as
13 a complete surprise," that is, the end of the second
14 sentence in the first paragraph. The remainder of
15 the document, in our submission, is irrelevant as
16 merely giving Grew's first impression of HIROTA, which
17 is merely the opinion of Ambassador Grew.

18 THE PRESIDENT: Mr. Yamaoka.

19 MR. YAMAOKA: If the Tribunal please, I am
20 quite agreed that the last paragraph of this excerpt
21 is opinion, and I was not really going to read it.
22 I am sorry. In introducing the document I probably
23 should have mentioned it. However, as to the rest of
24 the objection, we submit that, aside from the one
25 sentence in the first paragraph stating the conviction

1 of Ambassador Grew, we, in our submission, believe
2 that it is a statement reporting the conversation
3 and that it is material.

4 THE PRESIDENT: Of what use is this to you?
5 Mr. Grew said that so far as he could see "one of
6 the chief impediments," et cetera, and the reply,
7 "We shall talk all that over." I can understand
8 your wanting to get in that sentence, "I am convinced
9 from his manner that he meant it."

10 MR. YAMAOKA: If the Tribunal please, I
11 believe that during the prosecution's case it was
12 charged that many of these accused, and I believe
13 even including HIROTA, had stirred up the public in
14 the scheme of furthering a conspiracy to commit a
15 war of aggression in violation of international law
16 and treaties, and I believe also that there is ample
17 proof in the record offered by the prosecution to the
18 effect that the Japanese Government did try to control
19 the press. Mr. Grew mentions in this excerpt the
20 press as being one of the chief impediments to the
21 good relations.

22 THE PRESIDENT: We are not trying the press,
23 Mr. Yamaoka.

24 MR. YAMAOKA: But, if your Honor please, we
25 shall later prove that Mr. HIROTA was very instrumental

1 in improving the tone of the press, in compliance
2 with the expressed wishes of Mr. Grew, and this
3 is excellent evidence on behalf of HIROTA to meet
4 that part of the charge by the prosecution.

5 THE PRESIDENT: Mr. Brown.

6 MR. BROWN: Your Honor, I suggest there is
7 no connection between stirring up public opinion
8 and the expression of views to the American Ambassa-
9 dor.

10 MR. YAMAOKA: In our submission, if your
11 Honor please, this is an important item in the chain
12 of proof on behalf of HIROTA.

13 THE PRESIDENT: By a majority the Court
14 upholds the objection and admits only that part of
15 the document not objected to, on the usual terms.

16 CLERK OF THE COURT: Defense document
17 206-B-2 will receive exhibit No. 3236.

18 (Whereupon, the document above
19 referred to was marked defense exhibit
20 No. 3236 and received in evidence.)
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MR. YAMAOKA; I shall read this exhibit.

"Received by HIROTA, the new Minister for Foreign Affairs, at 2. Amaral of Brazil was the only other ambassador there, Yurenev, the Russian, and Auriti, the Italian, being either absent or late. HIROTA received me with warmth, clasping my hands in both of his and in the course of our short talk he said that the cornerstone of his policy would be the development of better relations with the United States and that this, in fact, was the primary reason why he had accepted the appointment which had come to him as a complete surprise."

We next offer in evidence defense document 2017, being an address of Mr. HIROTA, as Minister for Foreign Affairs, at the 65th session of the Imperial Diet on January 23, 1934. This document shows beyond doubt the peaceful policy sought to be pursued by Mr. HIROTA in relations with all foreign governments.

THE PRESIDENT: Mr. Brown.

MR. BROWN: Your Honor, the prosecution objects to this document. It is a statement for public consumption, and in view of the fact that there are a number of similar documents on the order to be submitted later, I wish to draw the attention of the Court to the argument which took place in this court,

1 reported on page 28,247, in connection with the admission
2 of another document.

3 On that occasion, my learned friend, Mr. Comyns
4 Carr, said: "These documents, which merely show that,
5 for Western consumption, the accused made a number of
6 specific or unexceptionable speeches, throw no light
7 at all on the question of whether the other speeches
8 and other writings and, in particular, the acts which
9 the prosecution have proved, make out the case against
10 him.

11 And on page 28,249, you, Mr. President, said:

12 "Without making any suggestion against the
13 accused, a clever conspirator would want to hide his
14 deeds and probably would express pious sentiment to
15 some people, especially to people publishing books.
16 For that very reason, self-serving statements were not
17 admitted in any national court. If they were, there
18 would be no limit to the amount of evidence that a man
19 charged with conspiracy could give of that kind. But,
20 I do not overlook the fact that the test is probative
21 value. It is a matter for us to decide."

22 In fact, your Honor, on that occasion the
23 document submitted was rejected. On this occasion,
24 your Honor, we submit that this document and a number
25 of other documents on the order to be submitted later

1 come in precisely that category. It is a statement,
2 a lengthy statement, that states the desire for
3 peace with a number of specified countries, couched
4 in such terms as to suggest, in our submission, that
5 peace was to be on Japanese terms; the prosecution
6 submits that this document is inadmissible and
7 irrelevant.

8 THE PRESIDENT: Mr. Yamaoka.

9 MR. YAMAOKA: If the Tribunal please, I do
10 not believe that it would be necessary to remind the
11 learned prosecutor that even the prosecution has used
12 many of the speeches of these accused in the Diet in
13 support of their case. Furthermore, this statement
14 in the Diet, while for public consumption, if one can
15 say so, is not for that purpose alone. This important
16 statement in the Diet probably influenced the course
17 of action by that body in deciding upon many of its
18 policies and actions.

19 Furthermore, we intend to prove that notwith-
20 standing the statements by the prosecution, the actual
21 acts performed by the accused HIROTA during the course
22 of his official duties actually coincided with the
23 statements he made in the Diet. These take the form
24 of telegrams and instructions and various conferences
25 with the ambassadors of many of the other powers; and,

1 therefore, in no sense can it be deemed what one would
2 call a self-serving declaration.

3 In any event, these statements were made by
4 Mr. HIROTA in his official capacity as Foreign Minister
5 during the course of the alleged conspiracy, and in
6 our submission is very material to the defense of his
7 case.

8 THE PRESIDENT: By a majority, the objection
9 is overruled and the document admitted on the usual
10 terms.

11 CLERK OF THE COURT: Defense document 2017
12 will receive exhibit No. 3237.

13 (Whereupon, the document above
14 referred to was marked defense exhibit
15 No. 3237 and received in evidence.)
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1. MR. YAMAOKA: I will now read exhibit 3237,
2. omittin the title:

3. "I was in September last unexpectedly
4. appointed Minister for Foreign Affairs. I have the
5. honor today to speak on the foreign relations of
6. Japan.

7. "The Japanese Government were obliged to
8. serve notice of withdrawal from the League of Nations
9. on the 27th of March last year, because the Manchurian
10. Incident and the questions regarding the State of Man-
11. chukuo showed that there was no agreement between
12. Japan and the League, on the fundamental principles
13. of preserving peace in East Asia. At the time when
14. the decisive step was taken His Majesty the Emperor
15. graciously issued a Rescript, pointing out clearly
16. and precisely the path this nation should henceforth
17. pursue. It reads: 'Now that Manchukuo has been
18. founded, our Empire deems it essential to respect the
19. independence of the new state and to encourage its
20. healthy development, in order that the sources of evil
21. in the Far East may be eradicated and an enduring
22. peace thereby established.' Further it reads: 'How-
23. ever, the advancement of international peace is what,
24. as evermore, we desire, and our attitude toward enter-
25. prises of peace shall sustain no change. By quitting

1 the League and embarking on a course of its own, our
2 Empire does not mean that it will stand aloof in the
3 Extreme Orient, nor that it will isolate itself there-
4 by from the fraternity of nations. It is our desire
5 to promote mutual confidence between our Empire and
6 all the other Powers and to make known the justice of
7 its cause throughout the world.' I am convinced that
8 if we all unite in our endeavours to act in accord-
9 ance with the wishes of our august Sovereign the
10 world will surely come to realize the fairness and
11 justice of Japan's position, and bright will be the
12 future of our Empire. Personally speaking, in obed-
13 ience to the Imperial message I am determined to use
14 every ounce of my energy to 'carry out our national
15 policy by diplomatic means in the interest of world
16 peace.' Fortunately, today after our withdrawal from
17 the League the commercial, as well as diplomatic, re-
18 lations between Japan and the friendly Powers in
19 general have become even closer and more cordial than
20 before. I wish to avail myself of this occasion to
21 dwell somewhat on the recent phases of our relations
22 with those countries which are situated in our
23 immediate neighbourhood.

24
25 "Manchukou, thanks to the tireless labours
of His Excellency the Regent, and of the government

1 authorities, and also to the wholehearted assistance
2 and collaboration extended to her by this country, true
3 to the spirit of the Japan-Manchukuo Protocol, has
4 been making steady progress along all lines of her
5 constructive work. In ordering the various govern-
6 mental institutions, especially in the maintenance of
7 law and order, in the development of industry and
8 communication, in the consolidation of national finance,
9 and in the advancement of education and culture sig-
10 nal success has been achieved. Moreover, a decision
11 is about to be made on the establishment of a monarch-
12 ical regime, which has been so eagerly awaited by all
13 her people, and which will go far to solidify the
14 foundations of Manchukuo as a young independent nation.
15 This is a matter of congratulation not for Manchukuo
16 alone but for the peace of the Orient and the peace of
17 the world. I think it behooves our government and
18 people, always mindful of the Imperial Rescript, to
19 exert their efforts unremittingly in assisting the
20 healthy growth of the new state.
21

22 "The Japanese Government have serious re-
23 sponsibilities for the maintenance of peace in East
24 Asia, and have a firm resolve in that regard. But
25 what is most essential in the matter is the stabil-
ization of China herself. Our government sincerely

1 authorities, and also to the wholehearted assistance
2 and collaboration extended to her by this country, true
3 to the spirit of the Japan-Manchukuo Protocol, has
4 been making steady progress along all lines of her
5 constructive work. In ordering the various govern-
6 mental institutions, especially in the maintenance of
7 law and order, in the development of industry and
8 communication, in the consolidation of national finance,
9 and in the advancement of education and culture sig-
10 nal success has been achieved. Moreover, a decision
11 is about to be made on the establishment of a monarch-
12 ical regime, which has been so eagerly awaited by all
13 her people, and which will go far to solidify the
14 foundations of Manchukuo as a young independent nation.
15 This is a matter of congratulation not for Manchukuo
16 alone but for the peace of the Orient and the peace of
17 the world. I think it behooves our government and
18 people, always mindful of the Imperial Rescript, to
19 exert their efforts unremittingly in assisting the
20 healthy growth of the new state.
21

22 "The Japanese Government have serious re-
23 sponsibilities for the maintenance of peace in East
24 Asia, and have a firm resolve in that regard. But
25 what is most essential in the matter is the stabil-
ization of China herself. Our government sincerely

1 hope for the political and economic rehabilitation of
2 China. They hope that she will be enabled to unite
3 with Japan in performing the obvious mission of both
4 Japan and China to contribute through mutual aid and
5 co-operation to the peaceful development of their
6 part of the globe. Unfortunately the actual situation
7 of the present day China belies all such hopes. It
8 has been reported that of late the Chinese Government,
9 realizing the mistake of persisting in the anti-
10 Japanese attitude, have decided to take steps looking
11 toward the rectification of Sino-Japanese relations,
12 but so far no concrete evidence has come to our notice
13 to confirm the truth of the report. Should China
14 appreciate our true motives and give tangible signs
15 of sincerity on her part, Japan would be glad to
16 reciprocate and meet her more than half way in a
17 spirit of good will. It is gratifying to note that
18 North China under the control of the Peiping Political
19 Committee remains comparatively quiet. In view of the
20 important rights and interests of Japan in that region
21 and of its territorial contiguity with Manchukuo and
22 also from the standpoint of the Tangku Truce Agree-
23 ment the question of the maintenance of peace and
24 order in North China is of special concern to Japan.
25 She expects China to see to it that nothing will

1 happen + t may bring chaos to that area. Meanwhile
2 we are watching not without grave misgivings the
3 activities of the Communist Party and the increasing
4 rampancy of 'Red Armies' in China.

5 "Regarding Japan's relations with the Soviet
6 Union it may be recalled that subsequently to the con-
7 clusion of the Peking Basis Treaty in 1925 normal
8 contact was maintained between the two countries, and
9 that even after the Manchurian Incident there was a
10 thorough mutual understanding between the two Powers
11 of their respective positions so that no difficult
12 question was encountered. However, more recently the
13 attitude of the Soviet Union toward Japan seems to
14 have undergone a change of some sort. It is most
15 surpris' ; and regrettable that the Soviet Union
16 should take to now broadcasting at home and abroad
17 through the press and other channels unwarranted
18 criticisms directed against Japan, and circulate
19 exaggerated stories about aggravations of this or that
20 situation evidently for the political and diplomatic
21 purposes which such rumours are calculated to serve.
22 Japan has consistently preserved her fair and equit-
23 able attitude toward the Soviet Union throughout these
24 years past before and after the Manchurian Incident.
25 Despite the fundamental differences in both theory

1 and constitution of the state that divide the two
2 countries, we have always endeavoured to keep on
3 good neighborly terms with Soviet Russia and sought
4 the solution of all questions by pacific means.
5 Especially since the establishment of Manchukuo, the
6 Japanese Government have been acting solely upon their
7 conviction that the proper adjustment of the tripartite
8 relationship between Japan, Manchukuo and the Soviet
9 Union was of paramount importance for the tranquillity
10 of East Asia. Japan is setting up certainly no new
11 military establishments along the Manchukuo-Soviet
12 frontier, Moscow propaganda notwithstanding."

13 I shall skip the balance of that paragraph
14 and continue with the next.

15 "It may be definitely stated that between
16 Japan and the United States of America there exists
17 no question that is intrinsically difficult of
18 solution. Far from having any thought of picking a
19 quarrel with America, Japan fervently desires American
20 friendship. At the same time, I am confident that the
21 United States will not fail to appraise correctly
22 Japan's position in East Asia. Only for a time follow-
23 ing the outbreak of the Manchurian Incident public
24 opinion in America was aroused against Japan, bringing
25 about something like temporary estrangement of the two

1 peoples. It is hardly necessary to reiterate that
2 Japan is actuated by no ulterior motive other than
3 her desire to establish an enduring peace in East
4 Asia. Therefore, if only America will clearly per-
5 ceive the actual condition of the Orient and realize
6 Japan's role as a stabilizing force in East Asia,
7 whatever emotional tension may yet linger between the
8 two peoples is bound to disappear. I sincerely hope
9 that the two great nations across the Pacific will,
10 in view of their important relations, commercial and
11 otherwise, continue to join forces in cultivating
12 their historical friendship and good understanding so
13 as to keep the ocean forever true to its name.

14 "Japan's traditional amity with the British
15 Empire remains unshaken even to these times. I
16 believe the two sea Powers, occupying geographically
17 similar key positions, one in the East and the other
18 in the West, can effectually serve the cause of
19 universal peace, through sympathetic appreciation of
20 their respective stands and whole-hearted collaboration
21 in all quarters of the world. It is in this sense that
22 our government are seeking to readjust whatever con-
23 flict of interests relating to questions of trade
24 there may be, and to strengthen further the ties of
25 friendship that bind our empires. That our

1 negotiations with India, an important member of the
2 British Empire, over knotty problems of commerce have
3 now been substantially concluded is a source of grati-
4 fication on both sides.

5 "Now a survey of the world as a whole reveals
6 a sorry situation in which economic disorder, political
7 unrest and confusion and conflict of ideas threaten to
8 destroy international equilibrium at any moment, while
9 mutual confidence of the nations in one another appears
10 to have wilted not a little. I consider that no
11 insuperable difficulties need be anticipated in settl-
12 ing any question if the nations manifest their sin-
13 cerity and, with a true comprehension of one another's
14 position, meet in a genuine and generous spirit of
15 universal brotherhood. What is wanted is the abandon-
16 ment of rootless jealousy and antagonism and the re-
17 inforcement of the sense of unity and mutual independ-
18 ence. However, international trade barriers, instead
19 of decreasing, are fast multiplying. The World
20 Economic Conference was forced to adjourn without having
21 achieved the desired results. Of late our industries
22 have taken marked strides with a corresponding expan-
23 sion in our oversea trade, while, owing to the prevail-
24 ing economic nationalism, one country after another has
25 begun to set up fresh obstacles against the advance of

1 our export industries. Our government are making
2 earnest efforts to deal effectively with the situation.
3 Since mutual understanding of one another's unique
4 national culture is of no small value in fostering
5 good will between nations, our government are planning
6 to take suitable measures in concert with private
7 institutions for facilitating the cultural intercourse
8 of our nation with the outside world.

9 "In the light of what I have already stated
10 it is impossible for me to deny that our foreign
11 relations are now, and will be in the future, beset
12 with many serious problems. However, the path of a
13 rising nation is always strewn with problems. As
14 long as our people are united and well prepared to
15 face courageously whatever difficulties may arise, and
16 as long as we retain our composure and sobriety, and
17 'stray not from the path of rectitude, and in action
18 always embrace the golden mean,' I am confident that
19 Japan has nothing to fear, and her future will be full
20 of hope. We should not forget for a moment that Japan,
21 serving as the only cornerstone for the edifice of the
22 peace of East Asia, bears the entire burden of respons-
23 ibilities. It is this important position and these
24 vast responsibilities in which Japan's diplomacy and
25 national defenses are rooted. Our national defense is

1 organized in its very nature for defensive and self-
 2 protective purposes. At the same time our diplomacy
 3 has no claims to put forth save what is legitimate
 4 and rational and consonant with our national mission.
 5 That eventually this position, in which Japan natur-
 6 ally finds herself, will be rightly understood by
 7 other Powers is, I believe, a foregone conclusion."

8 There is a certificate attached, if your
 9 Honor please.

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1 We next offer in evidence defense document
2 2152. It is taken from the official minutes of the
3 proceedings of the House of Peers at the 65th session
4 of the Imperial Diet on February 7, 1934, and reveals
5 the answer of Foreign Minister HIROTA to a question
6 with respect to the attitude toward conditions in China.

7 THE PRESIDENT: Mr. Brown.

8 MR. BROWN: Your Honor, the prosecution objects
9 to this document as being merely repetitive of part of
10 exhibit 3237, which has just been read.

11 THE PRESIDENT: Mr. Yamaoka.

12 MR. YAMAOKA: If the Tribunal please, this
13 quotation from the Imperial Diet speech, that is, the
14 answer of Foreign Minister HIROTA, shows his views in
15 spite of the Japanese cries for punitive measures that
16 had been raised.

17 THE PRESIDENT: The objection is overruled and
18 the document admitted on the usual terms.

19 CLERK OF THE COURT: Defense document 2152 will
20 receive exhibit No. 3238.

21 (Whereupon, the document above re-
22 ferred to was marked defense exhibit No. 3238
23 and received in evidence.)
24

25 MR. YAMAOKA: I will read exhibit 3238, omitting
the title:

1 "Answer of the Minister of State (Mr. Koki
2 HIROTA)

3 "In particular, finally, with regard to the
4 Chinese question, since the outbreak of the Manchurian
5 Incident there have been considerable difficult problems
6 for Japan. However, I believe that the relation between
7 the two countries is no casual matter but, be it good
8 or bad, it is destined for the Japanese people to
9 improve this relation down through generations. Times
10 were, depending upon the attitude of the Chinese
11 politicians and the idea of the masses, when these were
12 anti-Japanese and resist-Japan activities, while on the
13 Japanese side cries for punitive measures have been
14 raised, but these are all passing phases, and from a
15 long range view the two countries are destined to be
16 friendly. As I intend to cope with the Chinese question
17 with this fundamental belief, it is hard for me even to
18 imagine that trouble will occur between Japan and China."

19 We next offer in evidence defense document
20 206-B (10). This document, among other things, shows
21 that Mr. HIROTA was "personally an influence more peace-
22 ful than bellicose." That he had "displayed", as Foreign
23 Minister, "unexpected strength and was personally largely
24 responsible for the milder tone of the press and for a
25 new orientation" in developing "better relations with

1 foreign countries."

2 THE PRESIDENT: Mr. Brown.

3 MR. BROWN: Your Honor, the prosecution objects
4 to this document. It expresses merely the opinions of
5 Ambassador Grew. Even if that were not an objection,
6 the only part of the opinion which is relevant to the
7 defendant HIROTA is the part, the whole of which my
8 learned friend has just read in presenting the document.

9 In fact, your Honor, he misread one part of it.
10 It is at the beginning of the second paragraph. He
11 said "HIROTA" where it is, in fact, "The Prime Minister."
12 That is the only part which refers at all to HIROTA
13 that is opinion. That, we submit, is inadmissible because
14 it is merely opinion; and the rest for that reason and
15 also because it is irrelevant.

16 MR. YAMAOKA: If the Tribunal please, I quite
17 agree with my learned friend. There was a misquotation
18 here in my running commentary on "Prime Minister." and
19 I regret the oversight.

20 On the other hand, in answer to the objection,
21 we beg to submit that this is a proper piece of evidence
22 which should be admitted by the Tribunal.

23 I might mention that I only intend to read the
24 first paragraph and the first three sentences of the
25 second paragraph.

1 THE PRESIDENT: By a majority the Court sus-
2 tains the objection and rejects the document.

3 Mr. Comyns Carr.

4 MR. COMYNS CARR: Your Honor, may I take this
5 opportunity to protest again against the practice, which
6 is becoming common with defense counsel, of using a
7 running commentary as a means of reading in advance the
8 part, or sometimes even the whole of a document, before
9 its admissibility has been decided by the Tribunal. The
10 effect is that even when the document is rejected, its
11 contents are used for propaganda purposes. And, in my
12 respectful submission, steps should be taken to put a
13 stop to it.

14 THE PRESIDENT: I wish you would suggest what
15 steps, Mr. Comyns Carr. We must trust counsel up to a
16 point. I agree with you that some of the commentaries
17 are very long, and unnecessarily so. We could, of course,
18 refuse to allow any commentary unless requested by the
19 Court itself.

20 MR. COMYNS CARR: Your Honor, I am sure my
21 learned friends have sufficient respect for the Tribunal
22 to obey any warning which the Tribunal may think fit to
23 give on this point.

24 THE PRESIDENT: I have many times given that
25 warning on behalf of the Tribunal. Most counsel have

1 observed it.

2 Mr. Yamaoka, I know you are reading material
3 prepared for you, but I do hope that Monday at all
4 events, if you are still here on this matter, you will
5 be able to read shorter commentaries.

6 I do not think the purpose is propaganda, but
7 to enable us to hear the thing twice. I think it will
8 stick better if it is heard twice.

9 MR. YAMAOKA: I shall try to comply with the
10 wishes of the Tribunal.

11 We offer in evidence defense document 1365.
12 This is an important document showing that on February
13 21, 1934, Mr. HIROTA sent to America a personal message
14 in an effort to improve the relations between the two
15 countries. The document also contains a reply of Mr.
16 Hull.

17 THE PRESIDENT: Mr. Brown.

18 MR. BROWN: Your Honor, the prosecution objects
19 to this document which is divided into two parts: The
20 first part, that is, the message sent by HIROTA, because
21 it is a mere repetition of the evidence already contained
22 in exhibit 174 at page 1806, which contains Mr. Cordell
23 Hull's substantially similar account of this occurrence.

24 The second part, which is Mr. Cordell Hull's
25 message in reply, is, in our submission, irrelevant to

1 the case, the individual case of HIROTA, at all events.

2 THE PRESIDENT: Mr. Yamaoka.

3 MR. YAMAOKA: If the Tribunal please, we are
4 quite willing not to read the message of Mr. Hull and
5 confine ourselves to the message to the American Secretary
6 of State.

7 Insofar as exhibit 174 is concerned, a perusal
8 thereof shows that this speech was mentioned in this
9 exhibit, and I do not believe that its contents have been
10 read into the record.

11 MR. BROWN: Perhaps I ought to clarify that,
12 your Honor.

13 At page 1806 an account, a synopsis of this
14 note, is given by Mr. Cordell Hull. In our submission,
15 this synopsis gives a sufficient account of the contents
16 of this message containing all the essence of it. This
17 document merely repeats the message in full, which, in
18 our submission, is unnecessary and adds nothing to the
19 useful information at the disposal of the Court.

20 MR. YAMAOKA: I hope that I am not mistaken,
21 if the Tribunal please. I have this exhibit 174 before
22 me and the part which was read into the record, as
23 mentioned by my learned friend, but I see that only a
24 very few words from this proposed exhibit, that is,
25 this document 1365, was quoted.

1 THE PRESIDENT: By a majority the objection is
2 sustained as regards Mr. Hull's message, but otherwise
3 the document is admitted on the usual terms.

4 CLERK OF THE COURT: Defense document 1365
5 will receive exhibit No. 3239.

6 (Whereupon, the document above re-
7 ferred to was marked defense exhibit 3239 and
8 received in evidence.)
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1 MR. YAMAOKA: I will now read exhibit 3239.
2 I shall omit the headings.

3 "February 21st, 1934."

4 "It is a significant fact that ever since Japan
5 and the United States opened their doors to each other
6 exactly eighty years ago, the two countries have al-
7 ways maintained a relationship of friendliness and
8 cordiality.

9 "It is a matter for gratification to both our
10 countries that they produce very few commodities which
11 represent conflicting interests in their foreign trade,
12 that each supplies what the other wants, that they are
13 good customers of each other's products and that they
14 are strengthening their relation of interdependence
15 year after year.

16 "I firmly believe that viewed in the light of
17 the broad aspect of the situation and studied from all
18 possible angles, no question exists between our two
19 countries that is fundamentally incapable of amicable
20 solution. I do not doubt that all issues pending be-
21 tween the two nations will be settled in a satisfactory
22 manner, when examined with a good understanding on
23 the part of each of the other's position, discussed
24 with an open mind and in all frankness, and approached
25 with a spirit of cooperation and conciliation.

1 "I can state with all emphasis at my command
2 that the Japanese nation makes it its basic principle
3 to collaborate in peace and harmony with all nations
4 and has no intention whatever to provoke and make
5 trouble with any other power.

6 "It is the sincere desire of Japan that a most
7 peaceful and friendly relation will be firmly estab-
8 lished between her and her great neighbor across the
9 Pacific, the United States. And to this end I have
10 been exerting my best efforts since I took the post
11 of Foreign Minister.

12 "I am happy, therefore, to avail myself of the
13 occasion of the arrival in your country of Mr. SAITO,
14 the new ambassador, to lay before you, through him,
15 Mr. Secretary, my thoughts as to the necessity of pro-
16 moting our traditional friendship as above.

17 "I hope and believe that the desire of the
18 Japanese Government in this respect will be reciprocated
19 by a full support and countenance on the part of your
20 Government."

21 We offer in evidence next defense document 2160.
22 This is a statement made by Mr. HIROTA in proceedings
23 of the Committee of the Budget of the House of Peers
24 at the 65th session of the Imperial Diet on February 23,
25 1934.

THE PRESIDENT: Mr. Brown.

1 MR. BROWN: Your Honor, the prosecution objects
2 to this document as merely repetitive of exhibit 3237
3 that was read earlier this afternoon -- merely repeti-
4 tive of part of that exhibit.
5

6 THE PRESIDENT: Mr. Yamaoka.

7 MR. YAMAOKA: If the Tribunal please, I am
8 quite aware that many of these answers of the accused
9 HIROTA in the Imperial Diet do appear repetitive.

10 THE PRESIDENT: This appears to be repetitive,
11 Mr. Yamaoka. Where an accused has made a speech in the
12 Diet on a relevant matter, we are inclined to admit it;
13 but this is really repetitive.

14 MR. YAMAOKA: However --

15 THE PRESIDENT: Do you wish to be heard further?

16 MR. YAMAOKA: May I be heard for just a moment,
17 if your Honor please? In our submission these Diet
18 speeches or answers to interpellations may in some in-
19 stances appear to be repetitive. However, they do show
20 and disclose a course of conduct by the accused HIROTA
21 and they do relate to matters before the Imperial Diet
22 and probably affected matters deliberated by that body.
23 Therefore we are willing, if the Tribunal will permit,
24 the offer of these documents into evidence without the
25 reading of many of them. That will, I am sure, assist

1 the Tribunal by not laboring it more than necessary
2 with these details.

3 THE PRESIDENT: Mr. Brown.

4 MR. BROWN: Your Honor, the prosecution does
5 not agree to that suggestion. In our view, the docu-
6 ment is either admitted or not admitted.

7 THE PRESIDENT: The document will be admitted
8 only if relevant and material and not repetitive.

9 A majority think this document is repetitive.
10 They sustain the objection and reject the document.

11 MR. YAMAOKA: We next offer in evidence an ex-
12 cerpt from the book of Ambassador Grew entitled "Ten
13 Years in Japan," being defense document 206-B(13).
14 We intend to read the first two sentences of the second
15 paragraph, on page 1, and the last sentence of the first
16 paragraph on page 2.

17 THE PRESIDENT: Mr. Brown.

18 MR. BROWN: Your Honor, even in that emascula-
19 ted state the prosecution objects to this document as
20 irrelevant to the individual case of HIROTA, who is
21 not mentioned except to state that the Soviet ambassa-
22 dor was negotiating with him about the Chinese Eastern
23 Railway, which is repetitive. It is a statement by the
24 Soviet ambassador, and in the submission of the prose-
25 cution is inadmissible.

1 THE PRESIDENT: Mr. Yamaoka.

2 MR. YAMAOKA: If the Tribunal please, in
3 our submission this document, that is, the portions
4 thereof which we desire to read into the record, are
5 clearly relevant and material and proper evidence be-
6 fore this Tribunal. The Soviet prosecution has charged
7 that many of the accused prepared for aggressive war
8 against the Soviet Union.

9 THE PRESIDENT: The only sentence that really
10 appears to be of any value is that in which HIROTA is
11 referred to. It is the last sentence in the first
12 paragraph on page 2.

13 MR. YAMAOKA: The first excerpt, if your Honor
14 pleases, discloses the state of affairs in the Soviet
15 Union which the Japanese were obliged to meet, and
16 we believe the proof of this will substantiate the
17 defense that there was no conspiracy to commit an act
18 of aggression against the Soviet Union.

19 THE PRESIDENT: By a majority the objection
20 is sustained except as regards the last sentence in the
21 first paragraph on page 2. I shall read it and it will
22 relieve you of the necessity of doing so.

23 CLERK OF THE COURT: Defense document 206-B(13)
24 will receive exhibit No. 3240.

25 (Whereupon, the document above

1 referred was marked defense exhibit 3240 and
2 received in evidence.)

3 THE PRESIDENT (reading): "He" -- that is,
4 Mr. Yurenev, the Soviet ambassador -- "agreed with me
5 that important pacific influences are at work in Japan,
6 including the Emperor, Prince SAIONJI, Count MAKINO,
7 a considerable body of liberal opinion, and especially
8 HIROTA, but he added that in the last analysis the
9 decision would lie with the military."

10 MR. YAMAOKA: May I now call the witness KU-
11 WASHIMA, Kazue?

12 THE PRESIDENT: Well, swear him in.

13 MARSHAL OF THE COURT: The witness is now in
14 court. He has testified previously.
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1 K A Z U E K U W A S H I M A, recalled as a witness
2 on behalf of the defense, having been previously
3 sworn, testified through Japanese interpreters
4 as follows:

5 THE PRESIDENT: You are still on your former
6 oath, witness.

7 DIRECT EXAMINATION

8 BY MR. YAMAOKA:

9 Q Will the witness kindly state his name and
10 address?

11 A My name is KUWASHIMA, Kazue. Presently I re-
12 side at 365 Tamagawa, Todoroki, 3 Chome, Setagaya-ku,
13 Tokyo.

14 MR. YAMAOKA: May the witness be shown defense
15 document 2145?

16 (Whereupon, a document was handed
17 to the witness.)

18 Q Is that document your affidavit and are the
19 contents thereof true and correct?

20 A Yes.

21 MR. YAMAOKA: I now offer in evidence defense
22 document 2145.

23 (Whereupon, Mr. Comyns Carr took a
24 position before the lectern.)

25 THE PRESIDENT: Mr. Comyns Carr, we will deal

1 with the objection after the recess.

2 (Whereupon, at 1430, a recess was
3 taken until 1500, after which the proceed-
4 ings were resumed as follows:)

5 MARSHAL OF THE COURT: The International
6 Military Tribunal for the Far East is now resumed.

7 THE PRESIDENT: Mr. Comyns Carr.

8 MR. COMYNS CARR: May it please the Tribunal,
9 prosecution objects to certain parts of this affidavit.

10 First, the last sentence of paragraph 3 which
11 is merely the witness' opinion; then the whole of para-
12 graph 6 which is merely the witness' opinion about the
13 opinion of other persons, unnamed, in Japan; next,
14 paragraph 7, the last three sentences which are merely
15 statements, the source of which is not disclosed as to
16 the intentions of Mr. Wang and Mr. Chiang Kai-shek and
17 their actions in China. I beg the Tribunal's pardon:
18 the last three sentences of the second part of para-
19 graph 7 which are remarks alleged to have been made by
20 certain unnamed military officers.

21 We object to the whole of paragraph 9 and 10
22 on the ground that no source is given as to how the
23 witness comes to know about what took place at a con-
24 ference at which he doesn't say that he was present.

25 Paragraph 10, the first part, the same

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1 objection; and the second part, the objection that it
2 is entirely based upon two documents which are not
3 produced or accounted for in any way.

4 Also to the first portion of paragraph 11
5 which is merely the witness' opinion or what he calls
6 the Foreign Office's opinion about the undisclosed
7 contents of the unproduced documents; and to the last
8 of that paragraph and to the whole of paragraph 12
9 on the ground that without production of those docu-
10 ments the contents are immaterial; and to the second
11 portion of paragraph 12 in which the witness purports
12 to state the attitude of various unnamed Chinese
13 persons to certain proposals of Mr. HIROTA, and that
14 Mr. Chiang Kai-shek is said, by some unnamed person,
15 to have said something.

16 Finally we object to the whole of para-
17 graphs 16 to 22 -- that is, to the end of the affi-
18 davit; no, to nearly the end of the affidavit: 16
19 to 22, inclusive -- on the ground that they deal
20 entirely with certain negotiations said to have been
21 undertaken by Mr. ARITA. We have been served with
22 notice of an affidavit by Mr. ARITA in this case,
23 and he has already testified in others, and if
24 these matters were material the proper person to
25 testify to them is Mr. ARITA himself and not this

1 witness, in our submission, especially as the witness,
2 from time to time in the course of the document, pro-
3 fesses to state Mr. ARITA's opinion about various mat-
4 ters.

5 THE PRESIDENT: Mr. Yamaoka.

6 MR. YAMAOKA: If the Tribunal please, with
7 respect to the first objection of the learned prosecu-
8 tor in paragraph 3, page 1, the last sentence, we are
9 quite agreeable to deletion thereof.

10 As to many of the paragraphs objected to on
11 the ground that the documents have not been produced
12 and that the affidavit contains matters relating to
13 such documents which have not been produced, we wish
14 to state that this witness was Director of the Bureau
15 of Asiatic Affairs during the period when Mr. HIROTA
16 was Foreign Minister and later Prime Minister.

17 As to the objection that Mr. ARITA should
18 testify as to many of the matters mentioned in this
19 affidavit instead of this witness, I wish to state
20 that Mr. ARITA was Foreign Minister under Mr. HIROTA
21 when he was Prime Minister. Therefore, in that capac-
22 ity it must be presumed that he bears some measure of
23 responsibility. However, in so far as this witness
24 attempts to testify to matters which were within the
25 knowledge of Mr. ARITA, I believe that in his position

1 as Director of the Bureau of Asiatic Affairs he
2 had ample opportunity to know the facts and he could
3 disclose his source of information and his knowledge
4 on cross-examination. Moreover, he does state in
5 paragraph 2 of this affidavit that Mr. HIROTA did speak
6 to this witness about many of the matters testified
7 to.

8 Now, in so far as paragraph No. 7 is con-
9 cerned, that is, the last three lines of the second
10 part of paragraph -- the last three sentences begin-
11 ning "At that time," we, in our submission, deem this
12 relevant and important for the reason that it dis-
13 closes a cleavage in the branches of the two services;
14 and Mr. HIROTA continued to act in accordance with
15 the pronouncements and declarations made by him in
16 the Diet and in his statements to foreign governments
17 notwithstanding such opposition.

18 As to the further objection that many of the
19 documents about which this witness testifies ~~are not~~
20 being produced, I desire to state that in the order
21 of proof we do have many of the documents which will
22 support the statements of this witness, and we intend
23 to introduce them at a later stage.

24 MR. COMYN'S CARR: But not, as far as I can
25 trace, the documents to which I particularly objected,

1 in paragraph 10.

2 MR. YAMAOKA: If the Tribunal please, I am
3 informed by my associate that defense documents 2216,
4 2217, 2218 and 2219 do cover the points mentioned in
5 paragraph 10; not all, perhaps, but the substantial
6 portions of this paragraph to which objection has
7 been taken.

8 MR. COMYNS CARR: Your Honor, my friend is
9 misinformed. 2218 is a speech by HIROTA in the Diet.
10 2219 is one of those which my friend has withdrawn
11 and has nothing to do with this subject. 2216 and
12 2217 are telegrams. None is either of the plans men-
13 tioned in paragraph 10, nor do the dates in any sense
14 correspond.

15 I was wrong about 2218. That is another
16 telegram which mentions one of the plans in question,
17 but it isn't the plan nor does it contain its contents.

18 THE PRESIDENT: By a majority the objections
19 are sustained and the document rejected to the extent
20 objected to.

21 MR. YAMAOKA: If the Tribunal please, in
22 order that I may not make an error in the reading of
23 this document when so many objections have been inter-
24 posed, may I be permitted a few moments to check these
25 deletions?

1 CLERK OF THE COURT: Defense document 2145
2 will receive exhibit No. 3241.

3 (Whereupon, the portions not ob-
4 jected to in document No. 2145 were marked
5 defense exhibit 3241 and received in evi-
6 dence.)

1 MR. YAMAOKA: I shall read defense exhibit
2 3241, noting the omissions, and omitting the formal
3 part:

4 "I entered the Diplomatic Service in October
5 1908, and after holding posts in China and the United
6 States as well as in the Foreign Office at Tokyo, was
7 appointed Director of the Bureau of Asiatic Affairs
8 (which changed its name to the Bureau of East-Asiatic
9 Affairs after June 1934) in August 1933, remaining
10 in that office till January 1937. I was Envoy Extra-
11 ordinary and Minister Plenipotentiary to the Nether-
12 lands from June 1937 to December 1938, and Envoy Ex-
13 traordinary and Ambassador Plenipotentiary to Brazil
14 from January 1939 to November 1940. I retired from
15 office January 1941.

16 "(2) I was transferred to the office of Di-
17 rector of the Bureau of Asiatic Affairs from consul-
18 general at Tientsin in August 1933. The then Foreign
19 Minister was Count UCHIDA. On September 14, about one
20 month after that, Count UCHIDA resigned on the ground
21 of ill health, and Mr. HIROTA succeeded him as Foreign
22 Minister. The relations between Japan and China as
23 well as those between Japan and the Western Powers were
24 gloomy and oppressive at the time of Foreign Minister
25 Count UCHIDA, owing to the Manchurian incident. Above

1 all, the diplomatic relations between Japan and China
2 were, in effect, half broken off, though ministers
3 were still exchanged between them. And it was the
4 firm resolution of Mr. HIROTA upon assuming the of-
5 fice of Foreign Minister to alleviate the oppressive
6 tension attending the Sino-Japanese relations. Mr.
7 HIROTA in person told me that very frequently. Be-
8 sides, he made statements before the newspapermen to
9 the same effect. At the Diet also, he made it clear
10 that his policy aimed at alleviating the tense rela-
11 tions between Japan and China. People called the di-
12 plomacy of Count UCHIDA 'the burnt ground diplomacy',
13 and that of Mr. HIROTA the conciliatory diplomacy.

14 "(3) Mr. HIROTA carried out his resolution
15 steadily in every sphere of Japan's foreign relations.
16 The Ambassador to China, when Mr. HIROTA assumed the
17 office of Foreign Minister, was Mr. ARIYOSHI, Akira,
18 a veteran diplomat, eager for the rapprochement between
19 Japan and China. He had exerted all his efforts in
20 alleviating the tense relations between the two
21 countries, but could not attain the desired object
22 easily. After the outbreak of the Manchurian incident,
23 it was true that the Chinese, in and out of office,
24 were prone to avoid to associate with Japanese, and
25 such circumstances worked as important restraint for

1 the activity of Minister ARIYOSHI."

2 * * *

3 "(4) The attitudes of the Nationalist Govern-
4 ment towards Japan began to change considerably from
5 the beginning of 1934, owing to the efforts of Minister
6 ARIYOSHI. It resumed, for instance, the payment of
7 several private loans which had been suspended since
8 the outbreak of the Manchurian Incident, though in a
9 small scale. Meanwhile, Minister ARIYOSHI opened
10 conversations with Mr. Wang, Ching-wei, the then Home
11 Minister and Foreign Minister of the Nationalist Govern-
12 ment, upon the radical improvement of the Sino-Japanese
13 relations. This ARIYOSHI-Wang conversation progressed
14 considerably speedily. Mr. Wang at first maintained,
15 at this conversation, that the settlement of the
16 Manchukuo question was the requisite condition for the
17 general improvement of the relations between Japan and
18 China. Minister ARIYOSHI, however, explained that the
19 public opinion in Japan would not allow the Government
20 to retract the recognition of Manchukuo since Japan had
21 already recognized it, and that any Government, if
22 there be any, which would venture to do that, would
23 find it difficult to exist even for one day. Mr. Wang
24 seemed to understand the awkward position of the Japanese
25 Government. The Nationalist Government, however, had

1 to give consideration to the public opinion in its own
2 country and the main subject of the ARIYOSHI-Wang con-
3 versation thereafter, accordingly, lay in how to harmon-
4 ize the difficult and contradictory standpoints of both
5 Governments with respect to the Manchukuo question.

6 The documents concerned are said to have been lost in
7 the fire during the war. But the telegram No. 368,
8 under date of April 20, 1934, addressed to the Foreign
9 Minister from the consul-general at Nanking, which
10 miraculously escaped fire, is a precious material
11 reporting the contents of the ARIYOSHI-Wang conversa-
12 tion of April 18.

13 "In this way, the efforts of Foreign Minister
14 HIROTA to improve the Sino-Japanese relations appeared
15 much hopeful in 1934.

16 "(5) On April 17, 1934, when the negotiation
17 for the improvement of the Sino-Japanese relations
18 between Japanese Minister to China ARIYOSHI and Chinese
19 Foreign Minister Wang had hardly been opened there
20 arose a question of the so-called unofficial statement
21 of spokesman AMO."
22

23 May I here state that this name is spelled AMO
24 but I believe the correct spelling is AMAU, and I desire
25 to have that correction in the name throughout.

"At that time, Mr. Monnet, an expert financier

1 of the Secretariat of the League of Nations, was stay-
2 ing in China from the end of 1934. The Foreign Office
3 frequently received information from the Japanese
4 Legation at Nanking and other sources that Mr. Monnet
5 was drafting a plan for international cooperation to
6 China, from which Japan was to be excluded, in concert
7 with those antagonists of Mr. Wang, Chin-Wei. The
8 Foreign Office, thereupon, instructed the Japanese
9 Minister to China and other officials to keep in touch
10 with Mr. Monnet and discourage him so that his activity
11 in China might be restrained. Telegraphic instructions
12 to the same effect were frequently given to the Japanese
13 representatives in China from the Bureau of East-Asiatic
14 Affairs, in which rather exaggerated expressions were
15 used with a view to impress Mr. Monnet strongly.

16 "The so-called unofficial statement of spokes-
17 man AMAU to the newspapermen was a patchwork of the
18 contents of those telegraphic instructions drawn up
19 for such special purpose by a certain bureau of the
20 Foreign Office. And this, when reported by the press
21 as if it had been the policy of the Japanese Government,
22 gave rise to public discussion.

23 "According to what I was told by Foreign
24 Minister HIROTA at that time, he had nothing to do with
25 that unofficial statement of Mr. AMAU before it was

1 published and he reprimanded him because of that
2 statement."

3 * * *

4 "(7) Foreign Minister HIROTA emphasized his
5 policy for the rapprochement between Japan and China
6 as well as his confidence in the Nationalist Govern-
7 ment all the more in his address delivered at the Diet
8 on January 22, 1935, and also in his statement made at
9 a committee afterwards. He declared, at a committee,
10 that he had not the slightest doubt about the sincerity
11 of Mr. Chiang, Kai-shek, in his exertion for the better-
12 ment of the Sino-Japanese relations, and aroused public
13 attention. On the other hand, Mr. Wang, Chin-wei, and
14 Mr. Chiang, Kai-shek, expressed their intention in
15 response to the above-mentioned statement of Foreign
16 Minister HIROTA. From that time on, the Nationalist
17 Government resumed the control of anti-Japanese move-
18 ments in real earnest. The trade between the two
19 countries, which had been stagnant since the outbreak
20 of the Manchurian Incident, regained its activity.
21

22 "Early in May, the Foreign Minister in person
23 took the initiative to submit to the Cabinet conference
24 the question of raising the Japanese and Chinese Lega-
25 tions in China and in Japan respectively to the status
of Embassies. This passed the Cabinet conference, and

1 the Nationalist Government agreeing to the proposal,
2 the raising of the status of the Legations was decided
3 between the two Governments on May 17. The exchange
4 of ambassadors between Japan and China had been advo-
5 cated by those pro-Chinese for a long time, but at the
6 end of April when Minister ARIYOSHI returned to Japan
7 to make previous arrangements with the Government, the
8 rumor was already abroad that it would be realized."

9 * * *

10 "(8) The situation in North China had been
11 calm on the whole, since the conclusion of the Truce
12 Agreement of May 1932, at Tangku. But it began to
13 change at the beginning of 1935. Especially after May,
14 when the Legations were raised to Embassies, various
15 matters occurred suddenly. My memory is not quite
16 unailing about the particulars of those old occurrences
17 but there occurred frequent skirmishes from May or June
18 onward, between the Kwantung Army and Chinese forces,
19 near the border between Jehol and the provinces of
20 Hopeh and Chahar -- such remote and out-of-the-way
21 places where no official from the Foreign Office was
22 stationed. The Kwantung Army, and sometimes the North
23 China Stationary Force, would lodge protests directly
24 with the Chinese Government on all such occasions, on
25 the ground that such were provocative acts on the part

1 of the Chinese Government. They would impose consid-
2 erably strict conditions such as, for instance, the
3 withdrawal of Chinese forces from the above-mentioned
4 provinces or the extermination of the Kuomintang branches
5 in Hopeh and Chahar, and enforced the fulfillment of
6 these conditions with an ultimatum. The Chinese Gov-
7 ernment regarded these as systematic plots designed by
8 the Kwantung Army or the North China Stationary Force
9 on small occurrences or some intentionally caused
10 troubles. We were not so credulous as to believe every-
11 thing that the Chinese Government pleaded, but still we
12 could not but recognize that our military authorities
13 in China were prone to raise a storm in a tea cup.
14 It was our earnest hope that they should act more
15 prudently, and we actually warned them against such
16 destructive attitudes."

17 I shall now skip to the second paragraph of
18 (12):

19 "Those envoys had hardly returned to Tokyo
20 before various troubles arose in succession in China
21 in defiance of the new policy. I have forgotten the
22 particulars about those cases. But to cite several
23 remarkable instances, the Chi-tung Regime was estab-
24 lished, demanding self-government against the rule of
25 the Nationalist Government, at the end of November,

1 in the unfortified zones established by the Tangku
2 Truce Agreement, that is, in the border between North
3 China and Manchuria. The Foreign Office had a suspi-
4 cion that this regime had a close connection with the
5 Kwantung Army. In November, the Foreign Office received
6 information that the Kwantung Army was concentrating
7 its mechanized troops at Shanhaikwan with a view to
8 intimidating North China. The Foreign Office warned
9 the Army against the fact.

10 "And again, in the middle of December, the
11 Chi-cha Administrative Committee was formed. The
12 Foreign Office suspected that the Japanese military
13 authorities in China had a hand in the organization
14 of that Committee. This Committee, however, had
15 correspondence with the Nanking Government and was
16 admitted by the latter to enjoy a certain degree of
17 independence within the limit that it did not overshadow
18 the sovereignty of the central Government.
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1 "The Foreign Office was against the estab-
2 lishment of the Chi-tung Regime. The smuggling in
3 North China caused by the exceedingly low tariff
4 rates of the said Regime was a matter greatly dis-
5 advantageous to Japan, even judged exclusively from
6 the viewpoint of trade with China. I negotiated
7 directly with the Kwantung Army concerning the matter,
8 and inspected the actual circumstances of smuggling,
9 when I was despatched to Manchukuo and China by
10 orders of the Foreign Minister ARITA from the be-
11 ginning of June to the beginning of July.

13 "Towards the Chi-cha Administration Commit-
14 tee, however, the Foreign Office took rather different
15 attitudes. Though the Foreign Office had nothing to
16 do with the formation of the said Committee, the
17 consuls stationed in these areas used to deal with
18 it, after they learned that it had correspondence
19 with the Nanking Government, being formed with its
20 approval.

1 "(13) Meanwhile, the negotiations for the
2 improvement of the Sino-Japanese relations made
3 steady progress and attained the realization of the
4 exchange of Ambassadors between the two countries in
5 May, 1935. The national sentiments of China, however,
6 seized this opportunity to take a turn unfavorable
7 for Japan. In November and December, the situation
8 got considerably serious. Mr. Wang Ching-wei, who
9 had shown such zeal for the rapprochement between
10 Japan and China, barely escaped assassination, in
11 November. And his most faithful friend and cooperator,
12 Under Secretary for Foreign Affairs, Tang Yu-Jen, was
13 assassinated in December. Such a change of the
14 national sentiments in China was due, I considered,
15 to the activities of the Japanese military against
16 North China.

17 "* * *

18 "(14) It was through Foreign Minister
19 HIROTA's address delivered at the Diet on January
20 21, 1936 that the Three Principles were let known to
21 the general public for the first time. But the Govern-
22 ment had decided the Principles on October 4 of the
23 preceding year, 1935, as I have stated before. It
24 was shortly after that that Foreign Minister HIROTA
25 showed the Three Principles to Chinese Ambassador

1 Chiang Tsuo-Pin. The above-mentioned opinion of
2 Mr. Chiang Kai-shek was revealed to our Ambassador
3 ARIYOSHI in response to this.

4 "Shortly after the official announcement of
5 the Three Principles, the so-called February 26
6 incident broke out in Japan. The OKADA Cabinet
7 collapsed, and Mr. HIROTA received an Imperial mandate
8 to form a new Ministry."

9 I skip to (23).

10 "(23) The Foreign Office was anchoring its
11 hope upon the future development of the negotiation,
12 when there broke out the so-called Suiyuan Incident
13 owing to the activities of a part of the officers of
14 the Kwantung Army in Inner Mongolia. The attitude of
15 the Chinese Government towards the Sino-Japanese
16 negotiations also underwent a sudden change. It went
17 as far as to disapprove the results of the past negotia-
18 tions on the pretext of the Suiyuan Incident. The
19 negotiation was brought to a standstill and no further
20 progress was made in spite of all the efforts on the
21 part of the Japanese Government to urge it.

22 "The Diet was to open in the middle of Jan-
23 uary of the following year. Judging from the political
24 standpoint of the then Government, it was considered
25 to be untoward to leave the negotiation as it was at

1 a deadlock. The Foreign Office was thus compelled
2 to close the negotiation, except that for the settle-
3 ment of the Chengtu and Pakhoi Incidents upon which
4 perfect understanding had already been reached between
5 Japan and China.

6 "The HIROTA Cabinet resigned en masse in
7 January, 1937. I also resigned the office of the
8 Director of the Bureau of East Asiatic Affairs, and
9 then was transferred to the post of the Japanese
10 Minister to the Netherlands."

11 You may cross-examine.

12 THE PRESIDENT: Mr. Comyns Carr.

13 MR. YAMAOKA: I understand that there will
14 be further examination.

15 THE PRESIDENT: Major Blakeney.

16 CROSS-EXAMINATION

17 BY MR. BLAKENEY:

18 Q Mr. Witness, do you know who was commander
19 of the Japanese North China Garrison in the spring of
20 1935?

21 A I think it was Lieutenant General UMEZU.

22 Q You have stated in paragraph 8 of your affi-
23 davit that from 1935 the Kwantung Army and the North
24 China Garrison began to have troubles with the Chinese
25 over border incidents and that protests were lodged

1 directly with the Chinese by these armies. In that
2 connection I want to ask you whether you know of any
3 border incident or border skirmish of the spring of
4 1935 which was participated in by the North China
5 Garrison?

6 A The incident of which you inquire, Mr.
7 Counsel, were clashes, small clashes, which occurred
8 around the borders between Jehol Province and Chahar
9 and Hopeh Provinces between the Kwantung Army units
10 and Chinese troops, and negotiations pertaining to
11 these clashes were conducted principally by the
12 Kwantung Army. However, I have been told that at
13 times the Japanese military attache in Peking and
14 at times the Tientsin Army assisted in the negotiations--
15 the Tientsin garrison; and so I have used in my affi-
16 davit rather general terms to the effect that the
17 matter was handled by the Tientsin Army or the North
18 China Garrison.

19 Q Among these instances which you mention of
20 direct negotiation with the Chinese by Japanese forces,
21 do you include the instance of the so-called Ho-UMEZU
22 Agreement?

23 A I included the Ho-UMEZU Agreement in the
24 general negotiations. I do not particularly include
25 this with regard to negotiations pertaining to border

1 clashes.

2 Q In fact, it did not come about as a result
3 of a border clash, did it?

4 A No.

5 MR. COMYNS CARR: May I ask if this is
6 further examination or cross-examination?

7 THE PRESIDENT: I have been taking it as
8 cross-examination in view of the statements in para-
9 graph 8 involving UMEZU.

10 MR. BLAKENEY: Such was my opinion.

11 Q As a result of what did the Ho-UMEZU Agree-
12 ment come about?

13 A It was in connection with the assassination
14 of a pro-Japanese newspaper man residing in the
15 Japanese concession in Tientsin.

16 Q Now I should like to ask you whether the
17 instance of the Ho-UMEZU Agreement was one of those
18 instances which you referred to as having been en-
19 forced by the imposition of an ultimatum?

20 A In my recollection I think it was as a
21 result of a considerably strong demand but I do not
22 think that it had a time limit.

23 Q What did you learn at the time concerning
24 the circumstances in which the so-called Ho-UMEZU
25 Agreement was entered into?

1 A At that time when the Commanding General,
2 UMEZU, was about to leave for Hsinking or for some
3 other place his chief of staff told him that in his
4 opinion, that is, in the opinion of the chief of
5 staff, a rather friendly and moderate warning should
6 be given and to this General UMEZU is said to have
7 replied, according to the information I received at
8 that time, that if that was the case it would be
9 excellent.

10 Q Do you remember the name of that chief of
11 staff?

12 A I recollect it as having been Colonel SAKAI.

13 MR. BLAKENEY: Thank you.

14 THE PRESIDENT: It is hardly worth starting
15 a fresh examination at this hour. We will adjourn
16 until half-past nine on Monday morning.

17 (Whereupon, at 1600, an adjourn-
18 ment was taken until Monday, 29 September
19 1947, at 0930.)
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